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Ms. Sherry Estes
Associate Regional Counsel
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3507

Re: Skinner Landfill -- City of Mason Information Regarding the Municipal
Solid Waste Settlement Policy

Dear Ms. Estes:

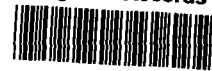
This is the City of Mason's ("Mason") formal notification of its desire to enter into settlement negotiations with the United States Environmental Protection Agency ("EPA") for the Skinner landfill site pursuant to the EPA's "Policy for Municipality and Municipal Solid Waste CERCLA Settlements at NPL Co-Disposal Sites."

In the non-binding ADR proceeding instituted in the Skinner contribution litigation (The Dow Chemical Co., et al. v. Acme Wrecking Co., Inc. et al., Case No. C-1-97-307), the allocator has concluded that Mason is connected to the Skinner landfill site although Mason vigorously disputes any connection to the site. In fact, as can be seen from the attached documents, there is no competent evidence connecting either Mason to the site.

Mason official records indicate that it, either on its own or by contractor, collected residential household waste from its citizens and disposed of the waste at sites other than Skinner. For purposes of settling its liability in the contribution litigation, however, Mason will stipulate that it contributed municipal solid waste to the site. Information regarding Mason's disposal of municipal solid waste can be found in the following documents:

1. City of Mason's Responses to ADR Allocation Questionnaire;

EPA Region 5 Records Ctr.



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2. City of Mason's Initial Position Paper Submitted to Allocator;
3. City of Madeira and City of Mason's Joint Supplemental Position Submitted to Allocator; and
4. Allocator's Preliminary Findings regarding City of Mason.

Mason believes that this evidence supports its position that it merits settlement under the policy. As you know, under the policy, the EPA will settle with a qualifying party at \$5.30 per ton of waste contributed to the site. According to the allocator, he estimated that Mason contributed 1,800 uncompacted cubic yards of waste into the Skinner Landfill. Under the policy, there are 100 pounds in each cubic yard of uncompacted waste. Therefore, Mason contributed 90 tons of waste to the site $[(1,800 \times 100) \div 2000]$. Accordingly, under the policy, the EPA should settle with Mason for \$477. (90 tons x \$5.30).

If you need any further information that will assist you in applying the policy to Mason, please let me know.

Very truly yours,

C. J. Schmidt /jme
C. J. Schmidt

CJS;jlh

Enclosures

cc: Lisa M. Rammes, Esq.
Kenneth J. Schneider, Esq.
Robert P. Malloy, Esq.

CITY OF MASON ("Mason")

Based on interviews with former employees, Mason stated that it collected and disposed of its own trash from 1939 - 1969. During that time period, waste was taken to two sites within the City. Mason did not believe that it took any waste to the Skinner Site. The City contracted with Rumpke and Rumpke Waste from 1970 - 1990, except possibly for calendar year 1978. Based on its investigation, the name of the 1978 contractor is not known but it is believed the contractor was located in Mariemont, OH. Mason did not know the disposal site used by Rumpke, but presumed it was Rumpke's own landfill. Mason said that the waste collected was typical household/residential waste [solids and liquids but no sludge] including food products, paper products and general residential waste.

Mason said that waste was collected once a week from residences and twice a week from business and industry. The volume of waste and the number and size of trucks was unknown.

Mason said that it had no records for the years 1930 - 1965. Mason's 1967 waste collection regulations do describe rules for residences and businesses. Collections from business and industry was limited to one 2 cy container or up to 5 garbage cans twice weekly. Regulations adopted in 1976 stated that businesses were limited to a maximum of ten 30-gallon containers twice a week.

Mason had several "small (wastewater treatment) package plants" prior to 1962. A sole wastewater treatment plant was opened in 1962. Based on its investigation, the City believed that no solids or sludges were generated or transported from the small package plants. Rather, they were "burned up during the processing." With respect to the water treatment plant, prior to 1973, Mason used an extended aeration plan in which solids were also burned up during processing, the City explained. From 1973 - 1981, sludge was disposed of on the City's own property. From 1981 - 1990 Mason disposed of sludge under a sludge management plan approved by the EPA; none was taken to Skinner. A second wastewater treatment plant was built in 1975 but the City stated that no sludge has been transported off-site.

Ray Skinner gave the only quantitative testimony regarding Mason. He testified that Mason disposed of road cleanup debris which included leaves and asphalt (from road patching) in approximately an 10 cy dump truck at least once a month for 30-40 years. (Mr. Skinner made reference to an 11 cy dump truck but that figure is sufficiently atypical that I have reduced it to 10 after reviewing his testimony). In light of Mason's investigation and based on my review of all of the other witnesses' testimony on Mason which would not support this long of a time period, I have decided to use Ray Skinner's number of years discounted by one-half and assign Mason a waste-in total of 1,800 cys.

**SKINNER LANDFILL ADR ALLOCATION QUESTIONNAIRE
RESPONSES FROM THE CITY OF MASON, OHIO
October 9, 1997**

QUESTIONS DIRECTED TO MUNICIPALITIES

Note: In conducting its full and thorough investigation of its waste disposal policies, the City of Mason ("Mason")^{1/} reviewed Ordinances which had been adopted by the Mason Council during the course of the relevant time period and interviewed past Mason employees. The responses to this questionnaire are based upon the review of these Ordinances and the interviews. Mason has attempted to gather as much information as possible. However, due to the extended period of time which the questionnaire covers, Mason does not have documentation for the years of 1930 through approximately 1965. The Ordinances for this time period were destroyed according to the regular Public Records Disposal Policy Mason. Information for this time period has been gathered from interviews with past Village employees. For the time period of approximately 1965 until 1990, legislation was found which sets forth Mason's Waste Disposal Policy. These Ordinances and other Resolutions have been attached as exhibits to this response.

12. Mason conducted a full and thorough investigation of its Waste Disposal Policies for the years of 1930 to 1990. Mason has no knowledge and has no reason to believe that any substances, by-products, hazardous waste, general waste or any other materials as defined by the Case Management Order and questionnaire were transported or disposed or arranged for transportation or disposal by Mason to the Skinner Landfill.

During a large portion of the relevant time period, Mason arranged for its own collection and disposal of residential waste and other material from within the boundaries of Mason. Mason used two (2) different disposal sites which were both located within Mason boundaries. Subsequently, Mason arranged for the transport or disposal of the material from within the boundaries of Mason by entering into Waste Disposal Contracts with primarily one contractor. The contract entered into with the waste disposal agencies did not dictate or specify the manner by which the waste or materials would be collected or by which they would be disposed. It is the recollection and belief of the former employees and officers of Mason that no materials under these contracts were taken to the Skinner Landfill site.

Mason was able to identify the following transporters as the individuals with whom Mason had contracted for the transport or disposal of the waste and material from Mason

^{1/} Over the course of the relevant time period, Mason became a city under the laws of the State of Ohio. Therefore, some of the attached exhibits refer to the municipality as a Village and some refer to it as a City. References in the responses will refer to the municipality as Mason.

boundaries. By including the following list, Mason does not admit or demonstrate a belief that the waste collected under these contracts was ever taken to the Skinner Landfill site. Rather, Mason is including this information to enable the Allocator to make an informed decision of whether Mason is more likely than not a party which falls within at least one of the classes of parties liable under § 107(a) of CERCLA, 42 U.S.C.S. § 9607(a).

DATE	CONTRACTOR ^{2/}	SOURCE OF INFORMATION
Jan. 1, 1930 thru approx. 1969	Mason	The former employees and officers of Mason have indicated that Mason collected its own trash during this time period. The trash collected by Mason was taken to two (2) disposal sites which were both located within the boundaries of Mason. To the best of their information and belief, <u>none</u> of the trash or materials collected by Mason were taken to the Skinner Landfill site. At that time, Mason could not afford the cost of such sites and utilized their own facilities. Copies of Resolutions and Ordinances authorizing Mason to purchase a vehicle for garbage and refuse collection are attached hereto as Exhibit 1.
Feb. 1, 1970 thru Dec. 31, 1972	Rumpke, Inc.	Ordinance No. 8-1970 attached hereto as Exhibit 2; the former employees and officers of Mason confirmed that Rumpke, Inc. was primarily used by Mason as the contractor to collect and dispose of the waste materials from the residential units located within Mason boundaries
Jan. 1, 1973 thru Dec. 31, 1975	Rumpke, Inc.	Ordinance No. 42-972 attached hereto as Exhibit 3; although Ordinance No. 42-972 does not identify the contract with whom the City Manager contracted for the collection and disposal of waste materials from the residential units within Mason boundaries, it is the testimony of the former Mason employees and officers that Rumpke, Inc. performed the services during this time period.

DATE	CONTRACTOR ²	SOURCE OF INFORMATION
Jan. 1, 1976 thru Dec. 31, 1976	Rumpke, Inc.	Ordinance No. 3-1976 attached hereto as Exhibit 4; although Ordinance 3-1976 does not reflect with whom the City Manager contracted for the transportation and removal of waste and other materials from the residential units within Mason boundaries, the testimony of the former Mason employees and officers is that Rumpke, Inc. performed the services during this time period.
Jan. 1, 1977 thru Dec. 31, 1977	Rumpke, Inc.	Ordinance No. 26-1977 attached hereto as Exhibit 5; although Ordinance 26-1977 does not reflect with whom the City Manager contracted for the transportation and removal of waste and other materials from the residential units within Mason boundaries, the testimony of the former Mason employees and officers is that Rumpke, Inc. performed the services during the time period.
Calendar year 1978	Unknown	Ordinance No. 145-1978 attached hereto as Exhibit 6. Ordinance 145-1978 does not reflect with whom the City Manager contracted for the collection and disposal of waste and other materials from Mason. It is also unclear from the Ordinance the time for which the Ordinance addresses. However, it is the testimony of one of the former employees and officers of Mason that Mason had used a contractor who was located in Mariemont, Ohio at some point when Rea E. Boone was the Mayor of Mason. It would appear that this would be the applicable time when Mason would have entered into the contract with the Mariemont contractor rather than Rumpke, Inc. However, the employee was unable to identify either the contractor's name or address other than that the contractor was located in Mariemont.
Calendar year 1979 - 1980	Rumpke, Inc.	Ordinance No. 63-1978 attached hereto as Exhibit 7; Ordinance No. 63-1978 indicated that Mason entered into a contract with Rumpke, Inc. for the annual spring clean-up of the municipality. Presumably, Mason collected all of the waste and other items which had accumulated within Mason and had Rumpke, Inc. transport and dispose of such materials.

DATE	CONTRACTOR ^{2/}	SOURCE OF INFORMATION
Jan. 1, 1981 thru Dec. 31, 1983	Rumpke Waste, Inc.	Ordinance No. 92-1980 attached hereto as Exhibit 8; the testimony of the officers and former employees of Mason confirm this contract with Rumpke Waste, Inc. for the collection, removal and disposal of materials from Mason boundaries.
Jan. 1, 1984 thru Dec. 31, 1986	Rumpke Waste, Inc.	Ordinance No. 110-1983 attached hereto as Exhibit 9; the testimony of the officers and former employees of Mason confirm this contract with Rumpke Waste, Inc. for the collection, removal and disposal of materials from Mason boundaries.
Jan. 1, 1987 thru Dec. 31, 1989	Rumpke Waste, Inc.	Ordinance No. 86-106 attached hereto as Exhibit 9; the testimony of the officers and former employees of Mason confirm this contract with Rumpke Waste, Inc. for the collection, removal and disposal of materials from Mason boundaries.
Jan. 1, 1990 thru Dec. 31, 1992	Rumpke Waste, Inc.	Ordinance No. 89-163 attached hereto as Exhibit 10; the testimony of the officers and former employees of Mason confirm this contract with Rumpke Waste, Inc. for the collection, removal and disposal of materials from Mason boundaries.
Nov. 26, 1990 thru Dec. 31, 1990	Trash Can Enterprises, Inc.	Ordinance No. 90-142 attached hereto as Exhibit 11.

13. **Although Mason has not identified any instances in which Mason has transported, disposed or arranged for the disposal or transportation of any waste or other materials to the Skinner Landfill site, Mason will respond to question 13 with respect to the contracts referenced in question 12. In so doing, Mason does not admit nor demonstrate a belief that the waste collected under these contracts was transported or disposed of at the Skinner Landfill site.**

^{2/} Some of the legislation which was adopted by Mason did not identify the address of the contractor. However, the primary contractor for Mason was Rumpke. Because Rumpke was included on the list of transporters identified in Exhibit "A" to the Questionnaire, the Allocator presumably has this address.

Because the contracts with each and every transporter contained similar provisions and because the types of materials collected by these transporters and Mason itself when it collected its own waste were similar for each time period, the contracts identified in question 12 will be discussed collectively. Any Ordinances or other Regulations pertaining to the set of questions under question 13 have been attached hereto and have been referenced in each specific response.

- a. To the best of Mason's knowledge, information and belief, the types of materials which were transported by any transporter including Mason included solely typical household/residential waste which was generated by the residents of Mason. This would include both solids and liquids but would not include any sludge. Mason is unaware of the chemical constituents of residential waste.
- b. The material which was transported was generated by the everyday activities of the residents of Mason. This would include discarded food products, paper products, and general residential waste.
- c. The residential waste and materials were collected under each contract once a week on announced days. Ordinance No. 26-1967 and Ordinance No. 18-1976 which set out this policy of Mason are attached hereto as Exhibits 12 and 13, respectively. Regulation 1 of each Ordinance sets forth the policy of Mason to collect residential waste one time per week.
- d. It is unknown the total weight and volume of material which was collected by Mason. This information was not contained within the Ordinances which are attached hereto as Exhibits 2 - 11. Additionally, the officers and employees of Mason were unable to estimate the total amount of such material.
- e. All materials were picked up and removed through a curbside collection program. Therefore, the form in which the material was picked up or removed was from residential trash containers. These containers were limited to a maximum of seventy-five (75) pounds and a maximum of thirty (30) gallon capacity (Exhibits 12 and 13).
- f. The number and capacity of the trucks utilized by the contractors identified in question 12 is unknown. Mason did not specify in its contract how many trucks would be utilized by the contractor, but left this to the discretion of the contractor.
- g. The transportation and disposal price was generally identified as a one lump sum which Mason remitted to the contractor. It is not clear from the attached Ordinances whether this was based upon drum, gallon, cubic yard, ton, pound, etc. Ordinance No. 8-1970 (Exhibit 2) did provide that Rumpke, Inc. would be compensated \$1.75 per month per residence.

- h. The source of the information to the responses in this question 13 were derived from the Ordinances attached hereto as Exhibits 2 - 13.
14. Mason did contract with Rumpke, Inc. and Rumpke Waste, Inc. in a number of contracts extending from 1970 through 1990. The information requested in (a) and (b) of this question 14 have already been identified in Mason's responses to questions 12 and 13 respectively.
15. The contracts identified in questions 12 and 14 do not indicate whether materials were collected from commercial establishments occupying over 20,000 square feet of space and/or from industrial establishments. Primarily, Mason arranged for the transportation and disposal of residential waste and other residential materials. Mason would only collect one (1) 2 cubic yard container or up to five (5) garbage cans from any businesses located within Mason boundaries. (Exhibit A at ¶ 9). According to the testimony of the former employees of Mason, if the waste or other materials of the business exceeded this amount, the businesses were required to privately contract for the removal of their own waste and other materials. This policy of Mason was set forth in the Regulations of Ordinance No. 18-1976 (Exhibit 13). In paragraph 2 of Ordinance No. 18-1976, Mason provided that large containers from business establishments would not be collected by Mason. Rather, the businesses were required to contract with a hauler on a private basis.

It does not appear, therefore, that Mason collected any materials from commercial establishments occupying over 20,000 square feet of space and/or from industrial establishments.

16. During the time period of approximately 1930 to approximately the late 1960's, it is Mason's knowledge and belief that the waste and other materials which were collected by Mason itself were transported and disposed of at two (2) sites located within Mason boundaries. Mason itself would have taken such items to the disposal sites.

With respect to the waste and other materials collected by Rumpke, Inc. and Rumpke Waste, Inc. and the other unidentified contractor, Mason has no knowledge regarding the disposal site for the trash and other materials. Presumably, the material collected by both entities would have been transported to the Rumpke Landfill.

17. Mason has had several Wastewater treatment plants during the relevant time period. To the best of Mason's information and belief, no sludge from any of these plants was transported to or disposed of at the Skinner Landfill site.

Mason had several small package plants prior to 1962. To the best of Mason's information and belief based upon information which was gathered from the documents which are in Mason's possession and from testimony and interviews of former employees, no solids or sludge were generated or transported from the small package

plants. Rather, any solids were burned up during the processing. It is Mason's information and belief that no solids were produced in these small package plants and that no sludge or other solids were transported to the Skinner Landfill site. Therefore, for the small package plants, Mason has no information related to the questions in subsection (a)-(g) of question 17.

The Mason Wastewater Treatment Facility was opened in 1962. This plant is located at 3960 U.S. 42, Mason, Ohio 45040. To the best of Mason's information and belief, Mason did not transport any sludge to the Skinner Landfill site nor arranged for the transportation of any sludge by any of the transporters identified in Exhibit A to the Questionnaire. From 1952 until approximately 1973, the facility operated under an extended aeration plan in which the solids were burned up as they were processed. Therefore, during those years, no sludge was transported to any disposal site and specifically was not transported to the Skinner Landfill site. Additionally, from 1973 until approximately 1981, the sludge which was generated at the Wastewater Treatment Facility was disposed of on the Village's own property. Finally, in approximately 1981 and continuing until the end of the applicable time period, the Wastewater Treatment Facility operated under a sludge management plan. Pursuant to this plan, the sludge was collected and disposed of pursuant to the sludge management plan which was approved by the EPA. To the best of Mason's information and belief, none of that sludge was ever transported to the Skinner Landfill site. Therefore, Mason will not address subsections "a" through "g" of question 17 with respect to the disposal of the sludge of the Mason Wastewater Treatment Facility.

Finally, Mason does have a second Wastewater Treatment Facility which was built in 1975. This secondary Wastewater Treatment Facility does not produce any sludge which needs to be disposed of off of the grounds of the facility. The facility is equipped with its own sand filters and no sludge is transported from the facility. Therefore, with respect to this facility, Mason will not address subsections (a) through (g) of question 17.

18. Copies of any and all documents have been attached hereto as various exhibits and have been referred to throughout our responses to questions 12 - 17.
19. Copies of all Minutes related to the public meetings during the relevant time periods have been attached hereto as Exhibit 14.
20. The following individuals are present or former municipal officials and supervisory employees that have had knowledge of the transportation or disposal of materials within the boundaries of Mason during the relevant time periods: Scot F. Lahrmer, current City Manager; Jim Foxx, former Public Utility Superintendent from 1981 to 1995; Lou Eves, former Mayor; Robert Chase, former City Manager; Max Chesney, former Superintendent of Public Works; and Jim Knott, former employee of Mason (1930-1970).

Mason has interviewed each of the identified individuals and has included all of the information which each individual provided with respect to the waste disposal policies of Mason during the relevant time period.

GENERAL QUESTIONS DIRECTED TO ALL PARTICIPANTS

27.
 - a. The following individuals were interviewed and consulted: Scot F. Lahrmer, City Manager; Jim Foxx, former Public Utility Superintendent from 1981 to 1995; Lou Eves, former Mayor; Robert Chase, former City Manager; Max Chesney, former Superintendent of Public Works; Jim Knott, former employee of Mason (1930-1970); and all current City Council members.
 - b. All individuals who were identified as having possible knowledge regarding the waste disposal policies of Mason were interviewed. Any individuals who may have had knowledge of the waste disposal policies of Mason were not interviewed because they are deceased.
 - c. Mason is not aware of any documents or other information which may be relevant which were not reviewed by Mason in preparing Mason's responses to this questionnaire. All Ordinances and Minutes which were reviewed and were relevant have been attached hereto as exhibits.
28. Mason would like to set forth its factual defenses to the claims asserted by the Plaintiffs. At this time, there is insufficient factual information which ties Mason to the Skinner Landfill site. Therefore, it is more likely than not that Mason does not fall within the categories of one of the parties who is subject to liability under § 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9607(a). Therefore, Mason is entitled to a zero (0) allocation.

Initially, there is only the testimony of one individual which purportedly ties Mason to the Skinner Landfill site. Elsa Skinner alleged in her deposition that Mason transported its waste to the Skinner Landfill site at some point during the relevant sixty (60) year period. (S.D. 0010587). However, Ms. Skinner did not allege how much waste or other materials were brought into the site by Mason. Additionally, Ms. Skinner did not allege that Mason dumped any waste which is considered hazardous within the scope of the CERCLA statute. Finally, there is no references in any of the Skinner log books which reflect that Mason utilized the Skinner Landfill site. There are no records indicating that Mason was ever charged for any dumping at the site nor is there any reference to Rumpke, the primary contractor with whom Mason contracted for the disposal of its waste during the relevant time period.

Furthermore, the Mason employees have all responded that Mason never contracted with or arranged for the disposal of any waste or other materials at the Skinner Landfill site.

Mason utilized its own dumping facilities located within Mason boundaries and contracted with Rumpke, Inc. and Rumpke Waste, Inc. for the transport and disposal of such materials. There is no indication that Mason, Rumpke, Inc. or Rumpke Waste, Inc. took any items from Mason to the Skinner Landfill site.

Consequently, based upon the factual information which has been gathered at this time, there is insufficient factual information tying Mason to the Skinner Landfill site. Therefore, the Plaintiffs have failed to carry their burden of establishing that Mason is more likely than not a party which falls within at least one of the classes of parties liable under § 107(a) of CERCLA. Mason should, thus, be allocated a zero (0) allocation.

29. With respect to the allocation of any of the clean up costs associated with Skinner Landfill, Mason is entitled to a zero (0) allocation. Pursuant to the Gore Factors which have been identified in the Case Management Order as the equitable factors for the Allocator to consider when making his reports, it is apparent that the balance of the equities dictate that Mason be allocated at zero (0) allocation.

Even if Elsa Skinner's allegations were presumed to be correct that Mason did transport or arrange for the transportation or disposal of residential waste to the Skinner Landfill site, there has been no indication that any of these substances which were allegedly disposed of by Mason were hazardous substances within the context of the CERCLA liability statutes. The Plaintiffs have not made any allegations of the amount of hazardous substances which Mason may or may not have contributed to the site. Additionally, the Plaintiffs have not set forth any factual basis regarding the determination of the degree of toxicity or hazard of any of the materials which Mason may have, or may have not have, contributed to the site.

It is clear that residential waste contains a minuscule percentage of toxic substances. Courts have recognized that residential waste generally contains less than one percent (1%) by weight of substances that the EPA considers hazardous to the environment or to the public health. *B.F. Goodrich v. Murtha, et al.*, 958 F.2d 1192, 1197 (2nd Cir. 1992). Therefore, even if the Mason did transport or dispose or arrange for the transportation or disposal of residential waste to the Skinner Landfill site, Mason's contribution to the overall contamination of the site is minuscule when compared to the activities of the other parties who have been identified in this case. It is apparent that the equities, therefore, demand that Mason be allocated a zero (0) allocation for the clean up costs to be incurred in cleaning up this site.

30. Mason is unaware of any other potentially responsible parties who have not been identified in Exhibit B.
31. Mason does not have anything further to add in response to any of the questions above. However, Mason reserves its right to provide further information to the Allocator to assist

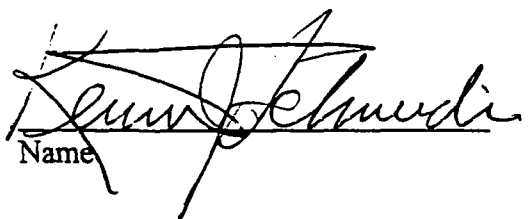
him in making an informed decision of whether Mason is more likely than not a party which falls within at least one of the classes of parties liable under § 107(a) of CERCLA..

32. Lisa M. Rammes, WOOD & LAMPING, 2500 Cincinnati Commerce Center, 600 Vine Street, Cincinnati, Ohio 45202

LMR/blp
10/9/97
C:\LMR\PLEADING\SKINNERQ.PLE

CERTIFICATION

On behalf of City of Mason (the "Participant"), I hereby certify that the Participant has conducted a full and thorough investigation to acquire all information necessary to respond to the foregoing questions and that the answers to all of the foregoing questions are given in good faith and are truthful, accurate, and complete to the best of my knowledge and belief. I further certify that to the best of my knowledge and belief, the Participant has not withheld any information which might contradict or cast significant doubt upon the foregoing answers. I further certify that if the Participant becomes aware of any information or documents that indicate that a response to this questionnaire was incomplete or incorrect at any time during the allocation process, the Participant will supplement its initial response to reflect the additional documents or information of which the Participant subsequently becomes aware. Finally, I certify that I am authorized to sign this Certification on the Participant's behalf.


Name

LAW DIRECTOR
Title

10/9/97
Date

THE DOW CHEMICAL COMPANY, et al., v. ACME WRECKING COMPANY, et al.
ALTERNATE DISPUTE RESOLUTION PROCEDURE

CITY OF MASON INITIAL POSITION PAPER

I. INTRODUCTION

Pursuant to paragraph 12 of the Court's First Case Management Order, defendant the City of Mason ("Mason") provides the Allocator with the following Initial Position Paper regarding the factual and legal issues related to Mason's Questionnaire Responses.

The City of Mason, Ohio is a small municipality located in Warren County, Ohio. From 1930 until approximately 1969, Mason collected, transported and disposed of waste generated by Mason residents at two landfills located within the City of Mason. (A-Mason 0002). After 1969 and until 1990, Mason contracted with Rumpke, Inc. or Rumpke Waste, Inc. to collect, transport and dispose of waste generated by Mason residents. (A-Mason 0002-0004). Mason did not collect, dispose of, or transport any commercial waste. (A-Mason 0006). Mason and its contractors collected the waste through a curbside collection program. (A-Mason 0005). Mason limited each residence to a maximum of 75 pounds of waste and a maximum 30 gallon capacity. (A-Mason 0005). Mason did not specify where Rumpke Waste, Inc. or Rumpke, Inc. was to transport or dispose of the waste but Rumpke officials have stated that Rumpke did not dispose of residential waste at the Skinner landfill. (A-Rumpke 0001-0004).

*II. MASON DOES NOT FALL WITHIN ONE OF THE CLASSES OF PARTIES
 LIABLE UNDER SECTION 107(a) OF CERCLA*

A. Standard of Review

Pursuant to paragraph 13a. of the Court's First Case Management Order, the Allocator must first determine whether it is "**more likely than not**" that Mason falls within one of the classes of parties liable under Section 107(a) of CERCLA, 42 U.S.C. §9607(a). The Allocator is

to make this determination based upon all the information that has been submitted as part of the allocation process. Section 107(a) identifies several classes of persons liable under CERCLA.

These classes include:

- (1) *The present owner or operator of the facility;*
- (2) *The former owner or operator of the facility at the time of "disposal" of the hazardous substance;*
- (3) *A person who arranged for the transport, treatment or disposal of the hazardous substance (an "arranger" or "generator"); and,*
- (4) *A person who transported the hazardous substance to the site ("transporter").*

It is undisputed that Mason did not own the Skinner landfill. Therefore, the provisions that are arguably applicable to Mason are whether it "arranged for the transport, treatment or disposal of hazardous substances at the site" or "transported hazardous substances to the site." Mason is not liable under this provision because the evidence establishes that it is more likely than not that Mason did not arrange for the transport, treatment or disposal of hazardous substances at the site nor did it transport hazardous substances to the site.

B. The Evidence Establishes That It Is More Likely Than Not That Mason Did Not Arrange for the Transport, Treatment or Disposal of Hazardous Substances at the Site nor Did It Transport Hazardous Substances to the Site

As outlined above, the evidence establishes that from 1930 to 1969, Mason disposed of its residential waste at two landfills located within Mason. After 1969, Mason contracted with Rumpke, Inc. and Rumpke Waste, Inc., to collect, transport and dispose of its residential waste. Rumpke officials testified that it did not dispose of any waste at the site. Moreover, none of the Skinner log books or "tickets" indicate that Mason ever used the site. Thus, the evidence establishes that it is more likely than not that Mason did not arrange for the transport, treatment,

or disposal of hazardous substances at the site nor did it transport hazardous substances to the site. Therefore, Mason respectfully requests that the Allocator recommend that Mason receive a zero allocation in the PNARR.

Even assuming that the evidence indicates that Mason contributed some waste to the site, the amount of municipal waste it deposited is limited to 3960 cubic yards. This represents an estimate of the amount of municipal waste Ray Skinner alleges Mason transported to the site. Ray Skinner claimed that for approximately a 30-year period, Mason would once a month deposit 11 cubic yards of road clean-up debris in the site. (Ray Skinner, p. 379-382). The municipal waste consisted mostly of brush and leaves from road clean-up. (Ray Skinner, p. 379-380, 1310). Therefore, if Ray Skinner is to be believed, the worst case scenario for Mason's contribution to the site is 3960 cubic yards of municipal waste (11 cubic yards x 12 months x 30 years).

III. MASON'S CONTRIBUTION TO THE SITE IS \$5.30 PER TON OF WASTE DEPOSITED AT THE SITE

In the Case Management Order, the Allocator stated that he would consider the "Gore Factors" in recommending a party's percentage share other than zero. The Gore Factors are inapplicable to Mason because on February 5, 1998, the United States Environmental Protection Agency issued the "Policy for Municipality and Municipal Solid Waste CERCLA Settlements at NPL Co-Disposal Sites." A copy of that policy is attached to this Position Statement as Exhibit "A." In that Policy, the EPA recognized that although municipal waste may contain hazardous substances, such substances are generally only present in small concentrations. Pursuant to the Policy, the EPA will offer settlements to eligible municipalities to resolve their CERCLA liability based on a unit cost formula for contributions by municipal waste generators and/or

THE DOW CHEMICAL COMPANY, et al., v. ACME WRECKING COMPANY, et al.
ALTERNATIVE DISPUTE RESOLUTION PROCEDURE

CITY OF MASON/CITY OF MADEIRA JOINT SUPPLEMENTAL POSITION PAPER

I. INTRODUCTION

Pursuant to the Allocator's July 22, 1998 letter permitting Supplemental Position Papers to be submitted to the Allocator in response to a number of Supplemental Joint ADR Position Papers filed by the Skinner Landfill Plaintiffs, the City of Mason and the City of Madeira ("Cities") hereby submit the following Joint Supplemental Position Paper regarding the recent Municipal Waste Settlement Policy ("EPA Policy") issued by the U.S. Environmental Protection Agency ("EPA").

II. EPA POLICY

As noted by the Plaintiffs in their July 22, 1998 Supplement ADR Joint Position Paper ("Supplemental Joint Position Paper"), the EPA issued its Policy for Municipality and Municipal Solid Waste CERCLA Settlements at NPL Co-Disposal Sites on February 5, 1998. As identified by the EPA, the intent of the Policy is to provide a fair, consistent and efficient means by which a municipality can settle and resolve any and all alleged liability related to the disposal of municipal sewage and/or municipal solid waste ("MSW") at co-disposal sites on the National Priorities List ("NPL"). Through the Policy, the EPA has provided a means by which a responsible municipality can determine its equitable share of the response costs at a Co-Disposal Site once it has been determined that (1) the municipality has either generated or transported waste to the site and (2) the amount of waste contributed by the municipality is a known or estimated quantity.

Under the Policy, the EPA will settle with a responsible municipality for an amount equal to the product of the known or estimated amount of Municipal Solid Waste ("MSW") times an estimated unit cost of remediating MSW (\$5.30). In deriving the estimated unit cost, the EPA has

recognized the low level of toxicity present in MSW. By developing the unit cost formula, the EPA has increased the chances of a successful settlement for a municipality in a contribution action by providing an effective and efficient tool to calculate a municipality's equitable share of the response costs in an NPL site.

In its July 22, 1998 Supplemental Joint Position Paper, the Plaintiffs address a number of alleged legal deficiencies with the Policy. The Plaintiffs' Supplemental Joint Position Paper, however, is not the proper vehicle to challenge the EPA Policy. The Position Papers and this ADR proceeding have purportedly been designed to assist the parties in reaching a settlement regarding the proper allocation of the remediation costs of the Skinner Landfill. Certainly, the EPA Policy, which is a settlement vehicle, can further this process.

As set forth in the Policy, the EPA has estimated the actual costs which would be incurred in remediating MSW at CERCLA sites. In a contribution action seeking to recover the remediation costs of a NPL site, a third party can only be held liable for the party's proportionate share of the harm caused at a site. *Gould Inc. v. A & M Battery and Tire Service*, 901 F.Supp. 906, 913 (M.D. Pa. 1995). The EPA Policy quantifies this amount for a municipality and simplifies the means by which a municipality's equitable share of the response costs can be determined.

In developing the Preliminary Non-binding Allocation Report and Recommendations ("PNARR"), the Allocator has been instructed to consider any equitable factor which he deems advisable to determine an appropriate allocation of the response costs to each responsible party. If the Allocator does determine that a municipality is more likely than not a responsible party under the CERCLA liability standards, the EPA Policy serves as an effective and efficient tool for the Allocator in determining the appropriate and equitable allocation of response costs to the

municipality. Clearly, a policy which has been adopted by EPA as a settlement vehicle is a factor which the Allocator can, and should, consider in trying to establish an appropriate contribution, if any, which should be attributed to any municipality at the Skinner Landfill Site.

III. CONCLUSION

The EPA Policy is designed to offer a fair and equitable settlement procedure for municipalities who have been determined to be responsible parties for response costs in a CERCLA contribution action. The use of the Policy by the Allocator in this proceeding would facilitate the settlement of the claims which are pending against the various municipalities in this action. The unit cost formula derived from the Policy is the result of EPA's research and studies and appropriately recognizes the differences between MSW and other non-MSW waste. The Plaintiffs challenge of the legal underpinnings of the EPA Policy is not appropriate in any Joint Supplemental Position Paper or this allocation proceeding. The Plaintiffs attempt to deprive the municipalities of the use of the EPA Policy only serves to further undermine the allocation proceeding and the ability of the parties to successfully settle this matter. The EPA Policy would facilitate settlement of any response costs which could be attributed to a municipality. Therefore, the use of the EPA Policy would facilitate settlement and the Cities of Mason and Madeira respectfully request the Allocator to consider the EPA Policy in issuing the PNARR.

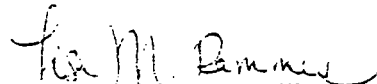
transporters. The unit cost settlement the EPA will offer to municipalities under this Policy is \$5.30 per ton. To convert cubic yards to tons, the EPA calculates loose waste to have a density factor of 100 lbs per cubic yard. If a municipality accepts settlement on these terms, the municipality will be protected from any future contribution claims.

The Policy is applicable here. Therefore, the EPA Policy sets the outer limit of Mason's liability, and the Allocator need not consider the Gore Factors when recommending a share other than zero for Mason. Applying the EPA Policy to the Mason worst case scenario, that is, 3960 cubic yards of waste, Mason's contribution is \$1,049.40 (3960 cubic yards x 100 = 396,000 lbs which is equal to 198 tons; 198 tons x \$5.30 = \$1,049.40).

OF COUNSEL:

WOOD & LAMPING

Respectfully submitted,



Lisa M. Rammes
C.J. Schmidt
Attorneys for City of Mason
2500 Cincinnati Commerce Center
600 Vine Street
Cincinnati, Ohio 45202
(513) 852-6051

ORDINANCE NO. 63

AN ORDINANCE AUTHORIZING PURCHASE OF A NEW TRUCK BY THE VILLAGE OF MASON, AND THE SALE OF ITS 1959 FORD, MODEL C-600 WITH PAK-MOR UNIT, MODEL AF, SERIAL 799 RAM TYPE, NON HYDRAULIC AND DIRECTING THE CLERK TO ADVERTISE FOR BIDS.

BE IT ORDAINED by the Council of the Village of Mason, State of Ohio:

Section I. That the Village of Mason, Ohio, in its general capacity of collecting and transporting and disposing of garbage and refuse and waste material, has need of a diesel six (6) wheel tandem drive truck chassis as per the detailed specifications on file in the office of the Clerk of the Village of Mason, Ohio.

Section II. That the Clerk of the Village of Mason, Ohio, is hereby authorized and directed to advertise for bids for the sale to said Village of said truck. Such bids are to be received at the office of the Clerk of said Village until 12:00 o'clock noon on the 11TH DAY OF DEC., 1964, at which time the bids will be opened and publicly read.

Section III. That as an alternate bid to Section II herein it may be to the best interest of the Village of Mason, Ohio, that the sale of the one 1959 Ford, Model C-600 with Pak-Mor Unit, Model AF, Serial 799 Ram Type, Non Hydraulic, now owned by the Village be made simultaneously with the purchase of the new truck and have the selling price of said 1959 Truck credited against the purchase price of the other truck and consummate such sale and purchase by a single contract with the lowest and best bidder, as the same is determined by subtracting from the selling price of the truck to be purchased by said Village, the purchase price offered for the 1959 Truck.

Section IV. That the Clerk of the Village of Mason, Ohio, is hereby authorized and directed to advertise for bids for the sale to said Village of such new truck, and include in the same advertisement a notice of willingness to accept bids for the purchase from the Village the 1959 Ford Truck aforesaid, and to have the amount of such bids subtracted from the selling price as a means of determining the lowest and best bidder. Such bids are to be received in the office of the Clerk of the said Village until 12:00 o'clock noon, on the 11TH DAY OF DEC., 1964, at which time the bids will be opened and publicly read.

Section V. That the Council of the Village of Mason, Ohio, hereby reserves all right to reject any and all bids, and to select the best bid for the purpose and waive minor irregularities in the bid.

Section VI. That this resolution is hereby declared to be an emergency measure necessary to protect the safety and general welfare of the inhabitants of said Village, and shall be in full force and effect immediately upon its passage.

Passed: Nov. 23, 1964

Charles Anderson
Charles Anderson, Mayor

Attest: Theresa Hammack
Theresa Hammack, Clerk



ORDINANCE NO. G-99

AN ORDINANCE ACCEPTING BID, AUTHORIZING EXECUTION OF CONTRACT FOR THE PURCHASE OF A REFUSE AND WASTE PICK UP COMPACTION UNIT BY THE VILLAGE OF MASON, AND THE SALE OF ITS 1959 FORD, MODEL C-600 WITH PAK-MOR UNIT, MODEL AF, SERIAL 799 RAM TYPE, NON HYDRAULIC IN ACCORDANCE WITH ORDINANCE NO. G-92, APPROPRIATING MONEY THEREFOR.

WHEREAS, as provided by Ordinance G-92, the Clerk of the Village of Mason, Ohio, did duly and legally advertise for bids for the purchase of a refuse and waste compaction unit to be used in the general capacity of collecting and transporting and disposing of garbage and refuse and waste material, and

WHEREAS, bids offering to sell to said Village the compaction unit aforesaid were duly received in the office of the Clerk of said Village and legally opened and publicly read at 12:00 o'clock noon on the 11th day of December 1964;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Mason, State of Ohio.

Section I. That the bid of Bode-Finn Company, 2650 Spring Grove Avenue, Cincinnati 14, Ohio is hereby determined to be the lowest and best bid for the sale to the Village a refuse and waste compaction unit and the purchase of the 1959 Ford, Model C-600 with Pak-Mor Unit, Model AF, Serial #799 Ram Type, Non Hydraulic, now owned by the Village, and the same is hereby accepted.

Section II. That the sum of \$10,895.00 which represents the purchase price of the new waste and refuse compaction unit and deduction of the selling price of said 1959 Truck credited against the purchase price of the new compaction unit, be, and the same is hereby appropriated out of the General Fund of said Village.

Section III. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed: Jan. 11, 1965

Charles Anderson
Charles Anderson, Mayor

Attest: Theresa Hammack
Theresa Hammack, Clerk

ORDINANCE NO. G-100

AN ORDINANCE ACCEPTING BID, AUTHORIZING EXECUTION OF CONTRACT FOR PURCHASE OF A NEW TRUCK IN ACCORDANCE WITH ORDINANCE NO. G-93, APPROPRIATING MONEY THEREFOR.

WHEREAS, as provided by Ordinance No. G-93, the Clerk of the Village of Mason, Ohio, did duly and legally advertise for bids for the purchase of a diesel six (6) wheel tandem drive truck chassis in its general capacity of collecting and transporting and disposing of garbage, and refuse and waste material; and

WHEREAS, bids offering to sell to said Village the vehicle aforesaid were duly received in the office of the Clerk of said Village and legally opened and publicly read at 12:00 o'clock noon on the 11th day of December 1964;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Mason, State of Ohio.

Section I. That the bid of The White Motor Company of 4631 Spring Grove Avenue, Cincinnati, Ohio, is determined to be the lowest and best bid for the sale and delivery to the Village of Mason, a new diesel six (6) tandem drive truck chassis, and the same is hereby accepted.

Section II. That the sum of \$11,053.60 which represents the purchase price of the new truck, be, and the same is hereby appropriated out of the General Fund of said Village.

Section III. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed: Jan. 11, 1965

Charles Anderson
Charles Anderson, Mayor

Attest: Theresa Hammack
Theresa Hammack, Clerk

ORDINANCE NO. H-7

AN ORDINANCE PROVIDING FOR THE ISSUANCE
OF BONDS BY THE VILLAGE OF MASON, OHIO,
FOR THE PURPOSE OF ACQUIRING A GARBAGE
TRUCK, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Mason, Warren County, Ohio, has heretofore, by proper legislation, determined to acquire a garbage truck for the village, and

WHEREAS, the fiscal officer of the village has estimated the life of the improvement as at least five years and certified the maximum maturity of the bonds as five years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mason, Warren County, Ohio, three-fourths of the members elected thereto concurring:

SECTION 1. That it is hereby declared necessary to issue bonds of the Village of Mason, Warren County, Ohio, in the principal sum of \$22,000 for the purpose of acquiring a garbage truck.

SECTION 2. That bonds of the Village of Mason, Ohio, be issued in the principal amount of \$22,000, for the purpose aforesaid under the provisions of the Uniform Bond Law of the Revised Code. Said bonds shall be dated April 1, 1965, shall be numbered from 1 to 22, both inclusive, and shall be of the denomination of \$1,000 each, They shall bear interest at the rate of three and one-half per cent (3-1/2% per annum, payable December 1, 1965, and semi-annually thereafter, on the 1st day of June and the 1st day of December in each year, until the principal sum is paid, as evidenced by the coupons thereto attached. Said bonds shall mature in their consecutive serial order on December 1 of each of the

following years in the following amounts: \$4,000 from 1966 to 1968, inclusive, and \$5,000 in 1969 and 1970, which maturities are hereby determined to be in substantially equal annual installments.

SECTION 3. That said bonds shall be executed by the Mayor and Village Clerk and shall bear the corporate seal of said village. The interest coupons attached to said bonds shall bear the facsimile signature of the village clerk printed or lithographed thereon. They shall be designated, "Garbage Truck Bonds", and shall be payable in lawful money of the United States of America at The First-Mason Bank, Mason, Ohio.

SECTION 4. For the purpose of providing the necessary funds to pay the interest on the foregoing issue of bonds promptly when and as the same falls due, and also to provide a fund sufficient to discharge the said serial bonds at maturity, there shall be and is hereby levied on all the taxable property in the Village of Mason, in addition to all other taxes, a direct tax annually during the period said bonds are to run, in an amount sufficient to provide funds to pay the interest upon said bonds as and when the same shall fall due, and also to provide a fund for the discharge of the principal of said serial bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section II of Article XII of the Constitution of Ohio.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby

required shall be placed in a separate and distinct fund, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal and interest of said bonds when and as the same fall due.

SECTION 5. Said bonds shall be first offered at par and accrued interest to the officer or officers in charge of the Bond Retirement Fund of said village, and so many of the same as shall not be taken by said officer or officers shall be advertised for sale and sold in the manner provided by law under the direction of this council, but not for less than their par value and accrued interest; the bond sale advertisement shall state that any one desiring to do so may present a bid or bids for such bonds based upon their bearing a different rate of interest from that hereinbefore fixed; provided, however, that where a fractional interest rate is bid, such fraction shall be one-eighth of one per cent or a multiple thereof; the amount of cash, bank official's, cashier's or certified check, or combination thereof to accompany each bid shall be at least one per cent of the amount of such bid; the proceeds from the sale of said bonds, except the premium, accrued interest thereon and interest on said bonds maturing prior to receipt of the assessments from which such interest is ultimately to be paid, shall be used for the purpose aforesaid and for no other purpose and shall be allocated to the construction fund for said improvement; the premium and accrued interest received from such sale shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal and interest of said bonds in the manner provided by law.

SECTION 6. The Village Clerk is hereby authorized and directed to certify a copy of this ordinance to the Auditor of Warren County, Ohio, according to law.

SECTION 7. This ordinance is declared to be an emergency measure for the reason that the peace, health, and safety of the Village of Mason, require the immediate passage of the ordinance and for the further reason of providing funds to contract and pay for said acquisition and shall take effect upon its adoption.

Adopted this 22nd day of February, 1965.

Charles Anderson
Mayor

Attest:

Theresa Hammack
Clerk of Council

CERTIFICATE

The undersigned, Clerk of Council of the Village of Mason, Ohio, hereby certifies that the foregoing is a true and correct copy of an ordinance adopted by council of said village on February 22, 1965.

Theresa Hammack
Clerk of Council

CERTIFICATE

The undersigned, Village Clerk, Mason, Ohio, hereby certifies that a copy of Ordinance No. H-7, was certified to the Auditor of Warren County, Ohio, on Feb., 1965.

Theresa Hammack
Village Clerk

RECEIPT

The undersigned, County Auditor of Warren County, Ohio, hereby acknowledges receipt of the foregoing ordinance No. H-7, of the Village of Mason, Ohio, on Feb., 1965.

Leche Smith
County Auditor

OFFER TO BOND RETIREMENT FUND

Mason, Ohio

February 22, 1965

TO THE OFFICER IN CHARGE OF THE
BOND RETIREMENT FUND OF THE
VILLAGE OF MASON, OHIO:

As Village Clerk of the Village of Mason, Warren County, Ohio,
I hereby offer you Garbage Truck Bonds of said village in the sum of
\$22,000, dated April 1, 1965, and maturing over a period of five (5) years.
This offer is made to you at par and accrued interest.

Kindly indicate whether or not you will accept these bonds.

Theresa Hammack
Village Clerk

REJECTION BY BOND RETIREMENT FUND

Mason, Ohio

February 22, 1965

TO THE VILLAGE CLERK OF THE
VILLAGE OF MASON, OHIO:

This is to advise you that as officer in charge of the Bond Retirement Fund I have determined not to purchase the \$22,000 Garbage Truck Bonds, dated April 1, 1965, offered to me by you, for lack of funds.

W.E. Chesney
Officer in Charge of Bond Retirement Fund (Treasurer)

CERTIFICATE AS TO THE MAXIMUM MATURITY OF BONDS

The undersigned, Village Clerk of the Village of Mason, Ohio, being the fiscal officer thereof within the meaning of Section 133.01 of the Uniform Bond Law of the Ohio Revised Code, hereby certifies that the estimated life of the improvement to be made with the proceeds of the sale of said bonds, namely, acquiring a garbage truck, is at least five years and that the maximum maturity for said bonds for said purpose is five (5) years, and the maximum maturity of notes issued in anticipation thereof is five (5) years, if sold publicly, otherwise, one (1) year..

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of February, 1965.

Theresa Hammack
Village Clerk

RESOLUTION NO E 61

A RESOLUTION AUTHORIZING PURCHASE OF A VEHICLE FOR GARBAGE AND REFUSE COLLECTION AND DIRECTING CLERK TO ADVERTISE FOR BIDS.

BE IT RESOLVED by the Council of the Village of Mason, State of Ohio:

Section 1. That the Village in its general capacity of collecting garbage and refuse has need of a vehicle of the following specifications:

Chassis

Min. Gross Vehicle Weight - 18,000
2 speed rear axle - 4 speed forward transmission
Automatic cancelling directional signals - front & rear
Min. of 8.25x20 - 8 ply tires and tubes
Heater and defroster
Electric windshield wipers
2 rear vision mirrors - mounted outside of cab
Cab over engine type - enclosed cab
Motor shall not have less than 280 Cu. In. displacement

Body

Packer type body - Min. 16 Cu. yards
Closed body
Loading height shall not exceed 48"
Must be side loader - capable of loading from both sides
Packer shall be mechanically operated

Each bid shall specify pounds per square inch of packing pressure against load.

Each truck shall be capable of unloading mechanically from rear.

Section 2. That the Clerk of the Village of Mason, Ohio is hereby authorized and directed to advertise for bids for the sale to said Village of such new vehicle. Such bids are to be received at the office of the Clerk of said Village until 12:00 o'clock Noon, on the fourteenth day of March, 1959.

Section 3. That the Council of the Village of Mason, Ohio hereby reserves all right to reject any and all bids.

Section 4. That this resolution is hereby declared to be an emergency measure necessary to protect the safety and general welfare of the inhabitants of said Village, and shall be in full force and effect immediately upon its passage.

Passed: February 23, 1959

Charles G. Anderson
Charles G. Anderson, Mayor

Attest: Betty J. Yungbluth
Betty J. Yungbluth, Clerk

ORDINANCE NO. E-66

AN ORDINANCE ACCEPTING BID, AUTHORIZING EXECUTION OF CONTRACT FOR PURCHASE OF A NEW VEHICLE FOR GARBAGE AND REFUSE COLLECTION IN ACCORDANCE WITH RESOLUTION E-61, APPROPRIATING MONEY THEREFORE, AND TO DECLARE AN EMERGENCY.

WHEREAS, as provide by Resolution No. E-61 the Clerk of the Village of Mason, Ohio did duly and legally advertise for bids for the purchase of a vehicle for garbage and refuse collection; and

WHEREAS, bids offering to sell to said Village the vehicle aforesaid were duly received in the office of the Clerk of said Village and legally opened and publicly read at 12:00 o'clock, Noon on the 21st day of March 1959;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MASON, STATE OF OHIO:

Section 1. That the bid of ~~Musannish Motors, Inc., Lebanon,~~ ^{TRI STATE PAK MOR SALES & SERVICE, CINCINNATI,} Ohio, is hereby determined to be the lowest and best bid for the sale and delivery to the Village of Mason, Ohio, a vehicle for garbage and refuse collection as specified in the advertisement aforesaid; and that the said bid be, and the same is hereby accepted.

Section 2. That the sum of Seven Thousand Three Hundred Seventy-eight and 26/100 (\$7378.26) Dollars which represents the purchase price of the vehicle for garbage and refuse collection be, and the same hereby is appropriated out of the General Fund of said Village to pay the net purchase price of said vehicle.

Section 3. That this ordinance is hereby declared to be an emergency measure to protect the health, safety and general welfare of the Village of Mason, Ohio and the inhabitants thereof, and shall be in full force and effect immediately upon its passage.

Passed: March 30, 1959

Charles G. Anderson
Charles G. Anderson, Mayor

Attest: Betty J. Yangbluth
Betty J. Yangbluth, Clerk

ORDINANCE NO. 8-1970

AWARDING A CONTRACT TO RUMPKE, INC., FOR WASTE COLLECTION
IN THE VILLAGE OF MASON, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the Village Manager has heretofore advertised for bids, as required
by law, for the waste collection from residences within the Village of Mason, Ohio; and

WHEREAS, it appears to this Council that the bid of Rumpke, Inc., in the amount of
of \$1.75 per month, per residence for once per week collection from ~~7,340~~ residential units
is deemed to be the lowest and best bid received; ^{the}

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Mason,
State of Ohio, six of the members elected thereto concurring:

SECTION I. That the bid of Rumpke, Inc., in the amount of \$1.75 per mo.
per residence for once per week collection from ~~7,340~~ residential units is deemed by this
council to be the lowest and best bid received and the Village Manager is hereby authorized
and directed to enter into a contract with Rumpke, Inc., on the basis of said bid, and the
specifications for the period of February 1st, 1970, through December 31st, 1972.

SECTION II. That this ordinance is hereby declared to be an emergency
measure necessary for the immediate preservation of the public peace, health, safety,
and shall be effective immediately after its passage. The reason for said declaration of
emergency is the necessity of providing continuous waste collection for the residents of
the Village of Mason, Ohio.

Passed this 26th day of January, 1970.

Donald B. Hollman
MAYOR

ATTEST:

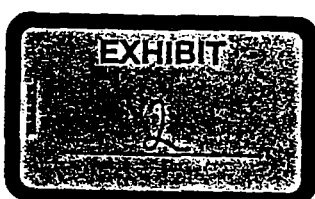
Betty Baysore
CLERK OF COUNCIL

Certificate of Publication

I, Betty Baysore, Clerk of Council of the Village of Mason,
Ohio hereby certify that the foregoing ordinance was published as
required by section 4.16 of the Charter of Mason by posting on the
bulletin board in the municipal building, 202 West Main Street,
Mason, Ohio, on the 26th day of January 1970.

Betty Baysore
Clerk of Council
Village of Mason, Ohio

1-26-70



ORDINANCE NO. 42-1972

AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR A CONTRACT FOR COLLECTION OF WASTE MATERIAL IN THE CITY OF MASON FOR THE PERIOD FROM JANUARY 1, 1973 TO DECEMBER 31, 1975, INCLUSIVE.

BE IT ORDAINED by the Council of the City of Mason, State of Ohio, five members elected thereto concurring:

SECTION I. That the City Manager is hereby authorized and directed to advertise for bids for a contract for the collection of waste material in the City of Mason for a period of three years, commencing January 1, 1973 and ending December 31, 1975, inclusive, in accordance with specifications presently on file in the Office of said City Manager and to award a contract for such waste collection on the basis of his determination of the lowest and best bid received.

SECTION II. That this Ordinance shall take effect and be in force from the earliest date allowed by law.

Passed this 23rd day of October , 1972.



MAYOR

ATTEST:


CLERK OF COUNCIL

CERTIFICATE

I, Betty Baysore, Clerk of Council of the City of Mason, Ohio hereby certify that the foregoing ordinance was published as required by section 4.16 of the Charter of Mason by posting on the bulletin board in the Municipal building, 202 West Main Street, Mason, Ohio, on the 3rd day of Nov. 1972.


Clerk of Council

PAUL J. WEBER
ATTORNEY AT LAW
97 SPRINGFIELD PIKE
MASON, OHIO 45240
(513) 771-8922



ORDINANCE NO. 3-1976

AUTHORIZING AND DIRECTING THE CITY MANAGER TO
ADVERTISE FOR BIDS FOR THE COLLECTION, REMOVAL
AND DISPOSAL OF CERTAIN SOLID WASTES WITHIN THE
CITY OF MASON, OHIO, AND TO ENTER INTO A CONTRACT
FOR SAME, AND DECLARING AN EMERGENCY.

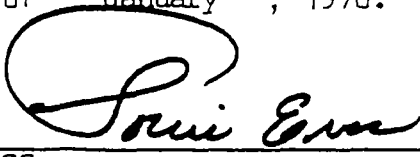
BE IT ORDAINED by the Council of the City of Mason, State of
Ohio, six members elected thereto concurring:

SECTION I. That the City Manager be, and he is hereby
authorized and directed to advertise for bids for the collection, removal
and disposal of certain solid wastes from within the City of Mason, State
of Ohio, as identified in the specifications to bidders, and to contract
for same with whichever in his opinion is determined to be the lowest
and best bidder.

SECTION II. That of the conditions of the contract, it
must be specified that no waste of any kind is burned, buried or other-
wise disposed of within the limits of the City of Mason, nor within the
limits of any property outside of the city limits which is the subject
of current proceedings for annexation and that said contractor be com-
pensated on a monthly basis.

SECTION III. That this ordinance is hereby declared to be
an emergency measure necessary for the immediate preservation of the pub-
lic peace, health, safety and general welfare and shall be effective
immediately after its passage. The reason for said declaration of emer-
gency is to provide contractual services to the citizens of the City of
Mason, Ohio for the collection, removal and disposal of garbage and cer-
tain other solid wastes without any interruption of these services.

Passed this 12th day of January, 1976.

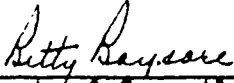

MAYOR

ATTEST:


CLERK OF COUNCIL

CERTIFICATE

I, Betty Baysore, Clerk of Council of the City of Mason, Ohio, hereby
certify that the foregoing Ordinance No. 3-1976, was published as required
by Section 4.16 of the Charter of Mason by posting on the bulletin board
in the Municipal Building, 202 West Main Street, Mason, Ohio, on the 14th
day of January, 1976.


Clerk of Council
City of Mason, Ohio

EXHIBIT

1-14-76

-10-76

L. J. WEBER
ATTORNEY AT LAW
NORTHLAND BLVD.
ALE. OHIO 45244
31 771-8822

ORDINANCE NO. 26-1977

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS
AND TO ENTER INTO A CONTRACT FOR THE REMOVAL OF
SOLID WASTE OTHER THAN PUTRESCIBLE MATTER FROM THE
CORPORATE LIMITS OF THE CITY OF MASON, OHIO, FOR A
DEFINITE PERIOD OF TIME, AND DECLARING AN EMERGENCY

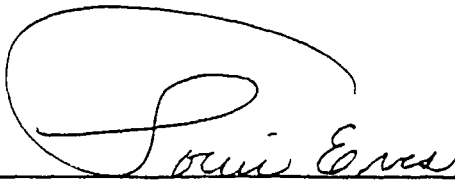
BE IT ORDAINED by the Council of the City of Mason, Ohio, seven
members elected thereto concurring:

Section 1. That the City Manager be and he is hereby author-
ized and directed to advertise for bids and to enter into a contract for
the removal of solid waste other than putrescible matter from the corp-
orated limits of the City of Mason, Ohio, for a definite period of time
with the lowest and best bidder.

Section 2. That the Instructions to Bidders and the map of the City
divided into districts relative to said service are to be attached and
made part of this ordinance as Exhibit A.

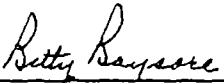
Section 3. That this ordinance is hereby declared to be an emerg-
ency measure necessary for the immediate preservation of the public peace,
health, safety and welfare, and shall become effective immediately upon
its passage. The reason for the declaration of said emergency is the need
to remove certain unwanted private material not the responsibility of the
contract hauler of waste for the City of Mason, Ohio.

Passed this 11th day of April, 1977.



Mayor

Attest:



Clerk of Council



CERTIFICATE

I, the undersigned, Clerk of Council of the City of Mason, Ohio hereby certify that the foregoing Ordinance No. 26-1977 was published as required by section 4.16 of the Charter of Mason by posting on the bulletin board in the municipal building, 202 West Main Street, Mason, Ohio, on the 12th day of April, 1977.

Betty Baysore

Betty Baysore,
Clerk of Council
City of Mason, Ohio

APRIL 30

APRIL 23

1CK-K-UP SCHEDULE

30 MEADOWS: ALL BUSINESS

HOUSTON MOTEL - BETHANY RD.

COWAN DR.-CHURCH STREET

47 : KINGSMILLS RD - MASON HEIGHTS -

SOUTH SIDE MAIN STREET FROM KINGS

MILLS EAST-TO FOX-DAWSON-KOHL-

ALLEYS IN SAME AREA

22

SUB'D.-TYLERSVILLE RD, -

READING RD SOUTH OF TYLERSVILLE RD. TO

CITY LIMITS - SNIDER -

WESTERN ROW RD -
WILLOWDELL - G

BAYMEADOWS - MASON MONTGOMERY RD.

211TH AC MAIN STREET

MAZ

NO RETURN

PICK-1189

PICK-UPS START

AT 7:00 A.M.

[Faint handwritten marks]

ORDINANCE NO. 145-1978

AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE COLLECTION, REMOVAL AND DISPOSAL OF CERTAIN SOLID WASTE WITHIN THE CITY OF MASON AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Mason, Ohio seven members elected thereto concurring:

Section 1. That the City Manager be and he is hereby authorized and directed to advertise for bids for the collection, removal and disposal of certain solid waste within the City of Mason according to the attached specifications which are marked Exhibit A and included herein by reference.

Section 2. That the City Manager is hereby authorized to enter into a contract for said waste disposal with the lowest and best bidder.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be in effect immediately upon its passage. The reason for said emergency is the need to establish a new contract commitment prior to the expiration of the present contract.

Passed this 13th day of November , 1978.

Lee E. Boone
Mayor

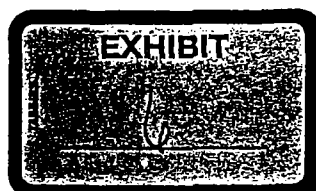
Attest:

Retty Rayson
Clerk

CERTIFICATE

I, the undersigned, Clerk of Council of the City of Mason, Ohio, hereby certify that the foregoing ordinance was published as required by Section 4.18 of the Charter of Mason by posting on the bulletin board in the Municipal Building, 225 West Main Street, Mason, Ohio.

Retty Rayson
Clerk of Council



ORDINANCE NO. 63-1978

AUTHORIZING AND DIRECTING THE CITY MANAGER
TO ENTER INTO A CONTRACT WITH RUMPKE, INC.
FOR THE ANNUAL SPRING CLEANUP AND DECLARING
AN EMERGENCY

WHEREAS, advertisements for bids were undertaken for the annual spring cleanup; and

WHEREAS, Rumpke, Inc. with a bid of \$3,200.00 provided the lowest and best bid,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio seven members elected thereto concurring:

Section 1. That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Mason, Ohio, with Rumpke, Inc. for services necessary for the annual spring cleanup for the sum of \$3,200.00.

Section 2. That the Financial Director is hereby authorized to pay said Rumpke, Inc. the sum of \$3,200.00 for said work.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare, and shall be effective immediately upon its passage. The reason for said emergency is the need to conduct the annual spring cleanup during the month of June.

Passed this 12th day of June, 1978.

R. E. Boone
Mayor

Attest:

Ruth Baysore
Clerk of Council

CERTIFICATE

I, the undersigned, Clerk of Council of the City of Mason, Ohio, hereby certify that the foregoing ordinance was published as required by Section 4.14 of the Charter of Mason by posting on the bulletin board in the Municipal Building, 402 West Main Street, Mason, Ohio.

Ruth Baysore
Clerk of Council



ORDINANCE NO. 92-1980

AUTHORIZING THE CITY MANAGER TO ENTER INTO
A CONTRACT WITH RUMPKE WASTE, INC. FOR THE
COLLECTION, REMOVAL AND DISPOSAL OF CERTAIN
SOLID WASTES WITHIN THE CITY OF MASON

WHEREAS, the City has available to it the option to
extend full service waste collection with Rumpke Waste, Inc. based
on the bids solicited in 1978,

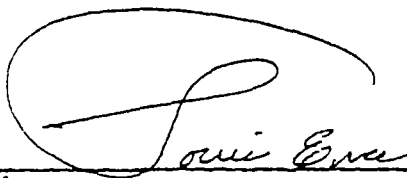
NOW, THEREFORE, BE IT ORDAINED by the Council of the
City of Mason, Ohio six members elected thereto
concurring:

Section 1. That the City Manager is hereby authorized
and directed to enter into a contract with Rumpke Waste, Inc. to
provide for full service waste collection for the period January 1,
1981 through December 31, 1983.

Section 2. That the contract should provide for compen-
sation for said waste collection for said three year period as
follows: 1981 - \$73,784.00, 1982 - \$78,950.00 and 1983 -
\$84,475.00.

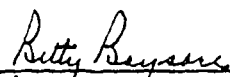
Section 3. That this Ordinance shall take effect and
be in force from and after the earliest period allowed by law.

Passed this 10th day of November , 1980.



Mayor


Attest:



Clerk

CERTIFICATE

I, the undersigned, Clerk of Council of the City of Mason, Ohio, hereby certify that
the foregoing ordinance was published as required by Section 4.18 of the Charter of
Mason by posting on the bulletin board in the Municipal Building, 303 West Main
Street, Mason, Ohio.



Clerk of Council



ORDINANCE NO. 110-1983

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RUMPKE WASTE, INC. FOR THE COLLECTION, REMOVAL AND DISPOSAL OF CERTAIN SOLID WASTES WITHIN THE CITY OF MASON AND DECLARING AN EMERGENCY

WHEREAS, advertisements for bids were undertaken for full service waste collection, and

WHEREAS, Rumpke Waste, Inc. was the lowest and best bidder,

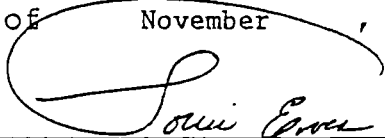
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio seven members elected thereto concurring:

Section 1. That the City Manager is hereby authorized and directed to enter into a contract with Rumpke Waste, Inc. to provide for full service waste collection for the period January 1, 1984 through December 31, 1986.


Section 2. That the contract should provide for compensation for said waste collection for said three year period as follows: 1984 - \$86,954.40 (\$2.60 per unit), 1985 - \$91,971.00 (\$2.75 per unit), and 1986 - \$95,315.40 (\$2.85 per unit).

Section 3. That this ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare, the reason for said declaration of emergency is the need to accept the bid before its expiration.

Passed this 28th day of November, 1983.


Mayor

Attest:


Clerk

CERTIFICATE

I, the undersigned, Clerk of Council of the City of Mason, Ohio, hereby certifies that the foregoing ordinance was published as required by Section 4.16 of the Charter of Mason by posting on the bulletin board in the Municipal Building, 202 West Main Street, Mason, Ohio.


Clerk of Council

EXHIBIT

9

ORDINANCE NO. 86-106

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RUMPKE WASTE, INC. FOR THE COLLECTION, REMOVAL AND DISPOSAL OF CERTAIN SOLID WASTES WITHIN THE CITY OF MASON, AND DECLARING AN EMERGENCY

WHEREAS, advertisements for bids were taken for full service waste collection, and

WHEREAS, Rumpke Waste, Inc. was the lowest and best bidder,


NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, seven members elected thereto concurring:

Section 1. That the City Manager is hereby authorized and directed to enter into a contract with Rumpke Waste, Inc., to provide for full service waste collection for the period January 1, 1987 through December 31, 1989.

Section 2. That the contract should provide for compensation for said waste collection for said three year period as follows: 1987 - \$106,740.00, (\$3.00 per unit), 1988 - \$112,077.00 (\$3.15 per unit), 1989 - \$117,680.85 (\$3.30 per unit).

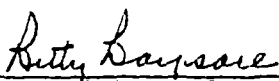
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health safety and welfare, and shall go into effect immediately upon passage. The reason for said declaration of emergency is the need to accept the bid before its expiration.

Passed this 10th day of November, 1986.



Mayor

Attest:



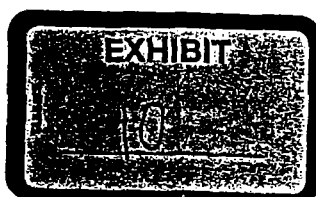
Clerk of Council

CERTIFICATE

I, the undersigned, Clerk of Council of the City of Mason, Ohio, hereby certify that the foregoing ordinance was published as required by Section 4.16 of the Charter of Mason by posting on the bulletin board in the Municipal Building, 202 West Main Street, Mason, Ohio.



Clerk of Council



ORDINANCE NO. 89-163

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RUMPKE WASTE, INC. FOR THE COLLECTION, REMOVAL AND DISPOSAL OF CERTAIN SOLID WASTES WITHIN THE CITY OF MASON AND DECLARING AN EMERGENCY

WHEREAS, bids were received for full service waste collection services; and

WHEREAS, Rumpke Waste, Inc. was the lowest and best bidder.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, six members elected thereto concurring:

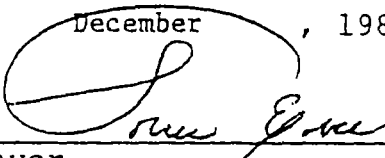
Section 1. That the bid of Rumpke Waste, Inc. is hereby accepted as the lowest and best bid for full service waste collection services to the City for the period January 1, 1990 through December 31, 1992.

Section 2. That the City Manager is hereby authorized to enter into a contract with Rumpke Waste, Inc. for said services for the aforementioned three year period in accordance with the specifications set forth by the City.

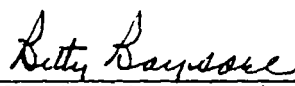
Section 3. That the Finance Director is hereby authorized to pay Rumpke Waste, Inc. compensation for said services as follows: 1990 - \$132,505.92, 1991 - \$139,311.36, 1992 - \$146,116.80.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to execute a contract prior to the expiration of the bid

Passed this 11th day of December, 1989.


Mayor


Attest:


Clerk of Council

2/8/89

CERTIFICATE

I, the undersigned, Clerk of Council of the City of Mason, Ohio, hereby certifies that the foregoing ordinance was published as required by Section 4.16 of the Charter of Mason by posting on the bulletin board in the Municipal Building, 202 West Main Street, Mason, Ohio.


Clerk of Council



CONTRACT

This agreement is made and entered into this 14th day of December, 1989, by and between Rumpke Waste, Inc. hereinafter referred to as Contractor and the City of Mason, hereinafter referred to as Owner.

1. Contractor hereby undertakes to transfer and deliver to Owner on or before December 31, 1992, the following described goods and/or services:

Full service waste collection and disposal as outlined in attached specifications. \$132,505.92 for 1990; \$139,311.36 for 1991; and \$146,116.80 for 1992.

2. Owner shall make payment for the services and materials at the price agreed under the terms of the attached specifications which are incorporated herein by reference.
3. The goods shall be deemed received by Owner when delivered at the place appointed under the attached specifications which are incorporated herein by reference.
4. The risk of loss from any casualty to the services and materials regardless of the cause thereof shall be on Contractor until the goods have been accepted by Owner.
5. Contractor warrants that the services and materials are now free and at the time of delivery shall be free from any security interest or other lien or encumbrance.
6. Owner shall have the right to inspect the services and materials any time during the project.
7. Any warranties, either express or implied, contained in the attached specifications or otherwise agreed upon by the undersigned parties shall not be superceded by any provision of this contract.

IN WITNESS WHEREOF, the parties have executed this contract in the year and day first above mentioned.

Attest:

OWNER: THE CITY OF MASON

Scot F. Lahrmer, City Manager

CONTRACTOR: RUMPKE, INC.



City Of Mason

202 West Main Street
Mason, Ohio 45040-1699

Telephone
(513) 398-8010

December 14, 1989

Mr. Bruce Wilcox
Rumpke Waste Removal Systems
10795 Hughes Road
Cincinnati, Ohio 45247

Dear Mr. Wilcox:

As per your recent bid submittal, Mason City Council has awarded a contract to your company for full service residential waste collection and disposal services. The City, through appropriate legislation, has accepted your bid of \$132,505.92 for 1990, \$139,311.36 for 1991, and \$146,116.80 for 1992 as the lowest and best bid meeting specifications.

Please find enclosed three (3) copies of the contract. Please execute and return the contracts to my office as soon as possible for my signature along with your performance bond as required in the specifications. Once the executed contracts and performance bond are received, one copy of the contract will be returned for your files.

Thank you for your time and consideration. We look forward to doing business with Rumpke through 1992. Please call if you have any questions.

Sincerely,

Scot F. Lahrmer
City Manager

SFL:kas

ORDINANCE NO. 90-142

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TRASH CAN ENTERPRISES, INC. FOR PICK-UP AND DISPOSAL OF COMMINGLED RECYCLABLE MATERIALS FOR THE CITY OF MASON, OHIO

WHEREAS, the City of Mason has received a proposal from Trash Can Enterprises, Inc. for the weekly pick-up and disposal of commingled recycled materials; and

WHEREAS, Trash Can Enterprises, Inc. will provide this service at the cost of \$100.00 per week and pay to the City of Mason an amount equal to six percent (6%) of the monies received from the sale of said recyclable materials.

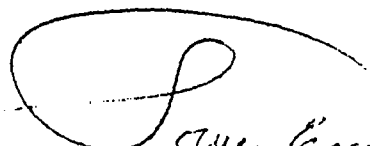
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, seven members elected thereto concurring:

Section 1. That the City Manager is hereby authorized to enter into a contract with Trash Can Enterprises, Inc. for the weekly pick-up and disposal of commingled recyclable materials for an eleven-month period beginning , according to the proposal submitted by Trash Can Enterprises, Inc., which is attached hereto as Exhibit "A".

Section 2. That the Finance Director is hereby authorized to pay Trash Can Enterprises, Inc. the sum of \$100.00 per week for said pick-up.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 26th day of November , 1990.


Mayor

Attest:


Clerk of Council

CERTIFICATE

I, the undersigned, Clerk of Council of the City of Mason, Ohio, hereby certifies that the foregoing ordinance was published as required by Section 4.16 of the Charter of Mason by posting on the bulletin board in the Municipal Building, 202 West Main Street, Mason, Ohio.


Clerk of Council



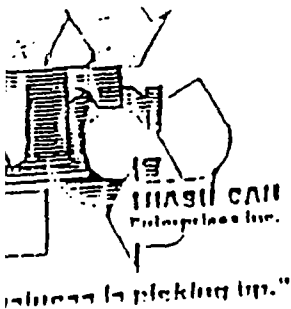
the Waste Water Treatment Plant,
Curley to read Ord. 90-141 by title only, seconded

held

November 12, 1930

by Ms. Davis and carried, 6-0. Motion by Ms. Davis to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Cochran and carried, 6-0. Motion by Ms. Davis to adopt Ord. 90-141 as read. Motion seconded by Mr. Cochran with the vote as follows: "Yea": Messrs. Cochran, McCurley, Eves, Eberhard, Ms. Davis, Mr. Staten. "Nay", none. Ordinance 90-141 is adopted.

Council discuss
Motion by Mr. El
and carried, 6-1



1800 McCall St.
Dayton, Ohio 45407
(513)228-4444

November 1, 1990

90-142

Contractual Agreement:

Trash Can Enterprises Inc. will pick up recyclable materials excluding paper (at this time). We will take these materials from the residents in a comingled bag that will be supplied by us to your residents. The bags will be picked up and new bags passed out every week. Furthermore, Trash Can Enterprises Inc. will educate your tenants with a letter and a door to door campaign as to our program and its importance to our ecology.

We agree to provide this service from a starting date of _____ with the first pick-up on _____, continuing through _____. This service will be performed at a fee of \$100.00 per week. The revenue from the recyclables will be split 94% & 6%. We receive 94% and you receive 6%. We will bill on a monthly basis. We will cut revenue checks on a quarterly basis.

Trash Can Enterprises Inc.

Customer Percentage _____ 6%
Total Units _____ 4,000
Total Price Per Week \$100.00
I hereby agree to terms:

The percentage of trash recycled in the United States is only 10%. Japan recycles 50% and western Europe 30%.
End to end, the beverage containers discarded in the US would circle the earth 160 times!
Glass produced from recycled material reduces air pollution by 20% and water pollution by 50%.

Questions?
Call or write to
Trash Can Enterprise
1800 McCall Street
Dayton, OH 45407
(513) 228-6505

CITIZENS OF MASON, OHIO:

The 1991 goal of 25% recycling can be achieved by each of us, but WE NEED YOUR HELP!

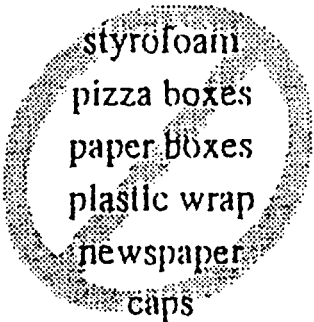
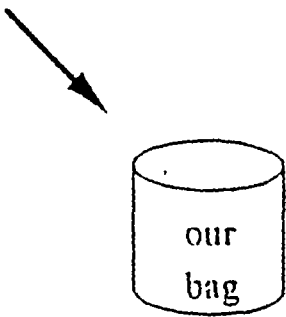
Get used to recycling now and save yourself problems in the future. We supply the recycling bag. You place recyclables in the bag – all in the same bag. We will separate them at our center in Dayton. You don't need to crush the cans or separate materials. This program will lessen future trash costs.

We are easily recognized by our gold uniforms and green emblems. (Supervisors wear green uniforms with gold emblems.) Place beverage cans, food cans, all glass and plastic containers in the bag. Please rinse the containers and do not include caps. We do not take styrofoam (egg cartons), pizza boxes, paper boxes, or newspaper.

Bags for recyclables will be placed at your door every _____. You will receive a new bag for each one you set out. Please put whatever recyclables out every week... even if it doesn't fill the bag. We will recycle the bag as well!

Thank you,
Chris Croston

beverage cans
food cans
plastic containers
glass containers



ORDINANCE NO. 26-1967

ESTABLISHING REGULATIONS FOR THE COLLECTION OF WASTE
IN THE VILLAGE OF MASON, OHIO, PROVIDING PENALTIES,
AND DECLARING AN EMERGENCY.

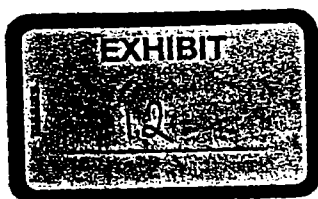
BE IT ORDAINED by the Council of the Village of Mason, State of Ohio,
of the members elected thereto concurring:

SECTION I. The following are hereby adopted as the waste collection
regulations for the Village of Mason, Ohio:

1. Residential collection of waste shall be provided once each week on announced days, for which containers are to be placed at the curb or edge of the street right-of-way.
2. All containers must be either metal or plastic with handles and lids.
3. Containers and contents will be limited to a maximum of 75 pounds and a maximum of 30 gallons capacity except special industrial containers.
4. All garbage must be drained and wrapped. Separation of garbage and cans is not required. All garbage must be placed in containers.
5. Brush must be tied in small bundles not to exceed four (4) ft. in length. Large limbs and trees will not be accepted.
6. Wooden boxes and paper boxes must be broken down and tied in small bundles. Newspapers and magazines not placed in garbage cans must be tied in small bundles.
7. Hot ashes will not be accepted.
8. Everything for collection must be placed at the curb no later than 6:00 A.M. on the day of collection. There will be no return calls for cans that are not at the curb at 6:00 A.M.
9. Collections from business and industries shall be limited to picking ^{ONE} ~~up~~ 2 cu. yd. containers or up to 3 garbage cans as identified in Item 3 above twice weekly.
10. Collection will be made on all holidays except the 4th of July, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day. Collection for these days will be made on the following week day.
11. No special pick-ups will be made under Village responsibility.
12. These regulations are effective as of May 1, 1967.

SECTION II. That any person convicted of a violation of the foregoing regulations shall be fined ~~not less than \$50.00 and not more than \$100.00~~ ^{25.00} for each offense.

JX AND WEBER
DRHEYS-AT-LAW
7 SOUTHERN
BANK BLDG.
MAIN STREET
MASON, OHIO



SECTION III. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and shall be effective immediately after its passage. The reason for said declaration of emergency is the necessity of immediate proper regulation of the collection of waste in the Village of Mason, Ohio.

Passed this 10 day of April, 1967.

R. W. Houghton
MAYOR

ATTEST:

Betty Baysore
CLERK

CERTIFICATE

This ordinance published by posting in accordance with Ordinance 16-1967.

Posted: April 18, 1967.

Betty Baysore
Clerk

ORDINANCE NO. 18-1976

ESTABLISHING REGULATIONS FOR THE COLLECTION OF
WASTE IN THE CITY OF MASON, OHIO, PROVIDING
PENALTIES AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Mason, State of Ohio, seven of the members elected thereto concurring:

SECTION I. The following are hereby adopted as the Waste Collection Regulations for the City of Mason, Ohio:

1. Residential collection of waste shall be provided once each week on announced days, for which containers are placed at the curb or edge or street right-of-way.
2. Wastes from business establishments will be collected twice a week on announced days. All items must be placed at curb or edge of street pavement unless large containers are used, for which service the business will contract with the hauler on a private basis.
3. All containers must be either metal or plastic, with handles and lids, or sealed plastic bags of substantial construction.
4. Containers and contents will be limited to a maximum of 75 pounds and a maximum of 30 gallons capacity, except special industrial containers.
5. All garbage must be drained and wrapped. Separation of garbage, cans and bottles not required. All garbage must be placed in containers which must be maintained in a clean and sanitary condition.
6. Wooden boxes and paper boxes must be broken down and tied in small bundles. Newspapers and magazines not placed in garbage cans must be tied in small bundles.
7. Hot ashes will not be accepted.
8. Collections from businesses will be limited to a maximum of 10 containers of that size identified in item 4 above.
9. Everything for collection must be placed at the curb no later than 6:00 A.M. on the day of collection. There will be no return calls for waste placed at the curb after 6:00 A.M.
10. No special pick-ups will be made under city responsibility.
11. Collection will be made on all holidays except July 4th, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day. Collection for these days will be made on the following week day.
12. Property owners will be responsible for the orderly placement and containment of all waste placed at the curb or edge of road.
13. All empty containers must be removed from curb or edge of road no later than dusk of the day of pick-up.

-18-76

IL J. WEBER
COUNSEY AT LAW
NORTHLAND BLVD
TALC. OHIO 45244
131 771-8822



SECTION II. That any person convicted of a violation of the foregoing regulations shall be fined not more than \$ 25.00 for each offense.

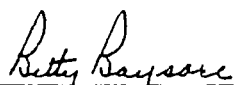
SECTION III. That all prior ordinances or sections of ordinances relative to the collection of waste in the City of Mason are hereby repealed and become invalid upon passage of this ordinance.

SECTION IV. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately after its passage. The reason for this declaration of emergency is the necessity to establish rules and regulations for the removal of wastes in the City of Mason, Ohio in the most orderly and efficient manner.

Passed this 8th day of March, 1976.



MAYOR

ATTEST:


CLERK OF COUNCIL

CERTIFICATE

I, Betty Baysore, Clerk of Council of the City of Mason, Ohio, hereby certify that the foregoing Ordinance No. 18-1976, was published as required by Section 4.16 of the Charter of Mason by posting on the bulletin board in the Municipal Building, 202 West Main Street, Mason, Ohio, on the 15th day of March, 1976.


Clerk of Council
City of Mason, Ohio

8-76

J. WEBER
ATTORNEY AT LAW
44 LAND BLVD.
E. OHIO 45249
771-8822

220

RECORD OF PROCEEDINGS

Minutes of Regular

Meeting

Held

February 23

1959

however, stated that they would work to find suitable names.

The petition is to be signed and streets named satisfactorily to the greatest majority by the next meeting in March. Olympia Fields subdivision was also discussed and it too will be discussed more thoroughly at a later meeting.

Mr. Spauth reported that the Cincinnati Gas & Electric Company gave the fireman permission to install additional fire buttons in town - they can arrange to make their own extensions.

The property north of the Village that has been selected as the most desirable location for our sewage plant was discussed. Mr. Spauth reports that the owners of the ground are reluctant to sell and have as yet refused to meet with him or his committee.

Mr. Hank Bowyer was present to discuss the value that he placed on the land. He will attempt to arrange a meeting between himself and the Bowyers that own the property.

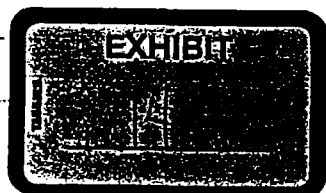
Resolution E 60 was presented and read. A resolution requiring the building inspector to have bond in the amount of \$500.⁰⁰

Motion by Mr. Looker second Mr. Sanker that Resolution E 60 be adopted as read. Mr. Sanker, yea, Mr. Spauth, yea, Mr. Randolph, yea, Mr. Johnson, yea, Mr. Looker, yea.

Res E 60

Bond

Bldg. Insp.



RECORD OF ORDINANCES

79

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 2506-A

Ordinance No. G-93Passed November 23, 1964

ORDINANCE NO. G-93

AN ORDINANCE AUTHORIZING PURCHASE OF A NEW TRUCK BY THE VILLAGE OF MASON, AND THE SALE OF ITS 1959 FORD, MODEL C-600 WITH PAK-MOR UNIT, MODEL AF, SERIAL 799 RAM TYPE, NON HYDRAULIC AND DIRECTING THE CLERK TO ADVERTISE FOR BIDS.

BE IT ORDAINED by the Council of the Village of Mason, State of Ohio:

SECTION I. That the Village of Mason, Ohio, in its general capacity of collecting and transporting and disposing of garbage and refuse and waste material, has need of a diesel six (6) wheel tandem drive truck chassis as per the detailed specifications on file in the office of the Clerk of the Village of Mason, Ohio.

SECTION II. That the Clerk of the Village of Mason, Ohio, is hereby authorized and directed to advertise for bids for the sale to said Village of said truck. Such bids are to be received at the office of the Clerk of said Village until 12:00 o'clock noon on the 11th day of December, 1964, at which time the bids will be opened and publicly read.

SECTION III. That as an alternate bid to Section II herein it may be to the best interest of the Village of Mason, Ohio, that the sale of the one 1959 Ford, Model C-600 with Pak-Mor Unit, Model AF, Serial 799 Ram Type, Non Hydraulic, now owned by the Village be made simultaneously with the purchase of the new truck and have the selling price of said 1959 Truck credited against the purchase price of the other truck and consummate such sale and purchase by a single contract with the lowest and best bidder, as the same is determined by subtracting from the selling price of the truck to be purchased by said Village, the purchase price offered for the 1959 Truck.

SECTION IV. That the Clerk of the Village of Mason, Ohio, is hereby authorized and directed to advertise for bids for the sale to said Village of such new truck, and include in the same advertisement a notice of willingness to accept bids for the purchase from the Village the 1959 Ford Truck afore-said, and to have the amount of such bids subtracted from the selling price as a means of determining the lowest and best bidder. Such bids are to be received in the office of the Clerk of the said Village until 12:00 o'clock noon, on the 11th day of December, 1964, at which time the bids will be opened and publicly read.

SECTION V. That the Council of the Village of Mason, Ohio, hereby reserves all right to reject any and all bids, and to select the best bid for the purpose and waive minor irregularities in the bid.

SECTION VI. That this resolution is hereby declared to be an emergency measure necessary to protect the safety and general welfare of the inhabitants of said Village, and shall be in full force and effect immediately upon its passage.

Passed: November 23, 1964

/s/ Charles Anderson, Mayor

Attest: /s/ Therese Hammack, Clerk

RECORD OF ORDINANCES

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 2806-A

Ordinance No. G-100

Passed January 11, 1965 19

ORDINANCE NO. G-100

AN ORDINANCE ACCEPTING BID, AUTHORIZING EXECUTION OF CONTRACT FOR PURCHASE OF A NEW TRUCK IN ACCORDANCE WITH ORDINANCE NO. G-93, APPROPRIATING MONEY THEREFOR.

WHEREAS, as provided by Ordinance No. G-93, the Clerk of the Village of Mason, Ohio, did duly and legally advertise for bids for the purchase of a diesel six (6) wheel tandem drive truck chassis in its general capacity of collecting and transporting and disposing of garbage, and refuse and waste material; and

WHEREAS, bids offering to sell to said Village the vehicle aforesaid were duly received in the office of the Clerk of said Village and legally opened and publicly read at 12:00 o'clock noon on the 11th day of December, 1964;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Mason, State of Ohio.

SECTION I. That the bid of The White Motor Company of 4631 Spring Grove Avenue, Cincinnati, Ohio, is determined to be the lowest and best bid for the sale and delivery to the Village of Mason, a new diesel six (6) tandem drive truck chassis, and the same is hereby accepted.

SECTION II. That the sum of \$11,053.60 which represents the purchase price of the new truck, be, and the same is hereby appropriated out of the General Fund of said Village.

SECTION III. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed: January 11, 1965

/s/ Charles Anderson, Mayor

Attest: /s/ Theresa Hammack, Clerk

RECORD OF ORDINANCES

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 2808-A

Ordinance No. H-7

Passed February 22, 19 65

ORDINANCE NO. H-7

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF BONDS BY THE VILLAGE OF MASON, OHIO, FOR THE PURPOSE OF ACQUIRING A GARBAGE TRUCK, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Mason, Warren County, Ohio, has heretofore, by proper legislation, determined to acquire a garbage truck for the village, and

WHEREAS, the fiscal officer of the Village has estimated the life of the improvement as at least five years and certified the maximum maturity of the bonds as five years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mason, Warren County, Ohio, three-fourths of the members elected thereto concurring:

SECTION I. That it is hereby declared necessary to issue bonds of the Village of Mason, Warren County, Ohio, in the principal sum of \$22,000 for the purpose of acquiring a garbage truck.

SECTION II. That bonds of the Village of Mason, Ohio, be issued in the principal amount of \$22,000, for the purpose aforesaid under the provisions of the Uniform Bond Law of the Revised Code. Said bonds shall be dated April 1, 1965, shall be numbered from 1 to 22, both inclusive, and shall be of the denomination of \$1,000 each. They shall bear interest at the rate of three and one-half per cent (3-1/2%) per annum, payable December 1, 1965, and semi-annually thereafter, on the 1st day of June and the 1st day of December in each year, until the principal sum is paid, as evidenced by the coupons thereto attached. Said bonds shall mature in their consecutive serial order on December 1 of each of the following years in the following amounts: \$4,000 from 1966 to 1968, inclusive, and \$5,000 in 1969 and 1970, which maturities are hereby determined to be in substantially equal annual installments.

SECTION III. That said bonds shall be executed by the Mayor and Village Clerk and shall bear the corporate seal of said Village. The interest coupons attached to said bonds shall bear the facsimile signature of the Village Clerk printed or lithographed thereon. They shall be designated, "Garbage Truck Bonds", and shall be payable in lawful money of the United State of America at The First-Mason Bank, Mason, Ohio.

SECTION IV. For the purpose of providing the necessary funds to pay the interest on the foregoing issue of bonds promptly when and as the same falls due, and also to provide a fund sufficient to discharge the said serial bonds at maturity, there shall be and is hereby levied on all the taxable property in the Village of Mason, in addition to all other taxes, a direct tax annually during the period said bonds are to run, in an amount sufficient to provide funds to pay the interest upon said bonds as and when the same shall fall due, and also to provide a fund for the discharge of the principal of said serial bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section II of Article XII of the Constitution of Ohio.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the

RECORD OF PROCEEDINGS

Minutes of

Regular

Pg. 2

Meeting

COLUMBUS BLANK BOOK CO., CUL., O.

Form No. 1087

Held January 26, 1970

units. Mr. Williams recommended not accepting the bid on commercial establishments and require that they contract for garbage services themselves. The Manager would enforce proper garbage pick-up.

Ordinance 8-1970 - Awarding a contract to Rumpke, Inc., for waste collection in the Village etc. (for residential units @ \$1.75 per month) was presented and read with motion by Mr. Mehr, seconded by Mr. Ayer that the rules requiring an ordinance to be read on two separate days be suspended: Messrs. Mollman, Mehr, Williams, Johnson, Smith, Ayer, "Yea". Motion by Mr. Williams, seconded by Mr. Ayer that Ordinance 8-1970 be adopted as modified: Messrs. Mollman, Mehr, Williams, Johnson, Smith, Ayer, "Yea".

Ordinance 10-1970 - Determining certain newspapers to be of circulation within the Municipality, determining a publication place for ordinances and resolutions, authorizing additional publications in the Mason Shopping Guide and declaring an emergency was presented and read with motion by Mr. Mehr, seconded by Mr. Johnson that the rules requiring an ordinance to be read on two separate days be suspended: Messrs. Mollman, Mehr, Williams, Johnson, Smith, Ayer, "Yea". Motion by Mr. Williams, seconded by Mr. Mollman that Ordinance 10-1970 be adopted as read: Messrs. Mollman, Mehr, Williams, Johnson, Smith, Ayer, "Yea".

Mayor Mollman moved that all public notices not required by law to be published in a legally defined newspaper, shall be published in the Mason Shopping Guide unless the subject of the notice is such as to be of significant interest to persons outside the municipality and outside the normal distribution area of the Mason Shopping Guide. In the latter case, and at the discretion of the Clerk of Council, either the Western Star alone, or the Western Star and the Mason Shopping Guide may be used. Motion seconded by Mr. Johnson: Messrs. Mollman, Mehr, Williams, Johnson, Smith, Ayer, "Yea". Mr. Edgar Hymans, General Manager of the Ohio Bus Lines was present informing Council of their application before the Public Utilities Commission for bus service to connect Mason and Lebanon with Columbia Road and various other cross roads between Mason

Minutes of

CITY OF MASON

Regular Council Meeting

COLUMBIA BLANK BOOK CO., COL. 6.

Form No. 1097

Held

October 23, 1972

Council met in regular session on the above date with Vice Mayor Harry Cobbett presiding. The meeting was opened at 8:10 p.m. with the pledge of allegiance to the flag followed by rollcall: "Present", Messrs. Harry Cobbett, Arlie Parke, Chester Lewis, Joe Van Oflen. Messrs. Hans Mehr & Russell Smith were absent. Mr. Robert Ayer arrived at 8:23 p.m.

Ordinance 39-1972 - Amending Ordinance 6-1971, the Zoning Ordinance of the City of Mason, was presented and read to the second reading.

Vice Mayor Cobbett opened a public hearing at 8:15 p.m. on Ordinance 39-1972. Mrs. B. Sheldon made statement in favor of the rezoning due to the surrounding areas that are already zoned B-3.

No objections were heard and the Vice Mayor closed the public hearing.

Motion by Mr. Parke, seconded by Mr. Van Oflen to adopt Ordinance 39-1972 as read: "Yea", Messrs. Cobbett, Parke, Lewis, VanOflen. "Nay", none.

Vote of Council that delayed of approving of minutes of meeting of October 9th due to error that was detected.

Mayor Ayer arrived and presided for the balance of the meeting.

Ordinance 40-1972 - Amending Ordinance 6-1971, the Zoning Ordinance of the City of Mason, was presented and read to the second reading.

The Mayor opened a public hearing at 8:35 p.m. on Ordinance 40-1972 for discussion on the zone change.

Mr. F. Bowyer brought to the attention of Council that this property was originally zoned Business when annexed by the City of Mason.

Mr. Jack Glazell commented against multiple dwellings. Mr. Bob Smith stated the reason for requesting zoning in advance was for financing the bridge across Muddy Creek.

Mr. Lew Eves spoke in favor for the development, also, stress of the street lights, increased population will reduce automobile speed to City regulations for populated areas.

The Mayor then closed the public hearing at 8:59 p.m.

Motion by Mr. Lewis, seconded by Mr. Cobbett to amend Ordinance 40-1972, Section II, to read that the total number of multiple dwelling units shall not exceed 120: "Yea", Messrs. Cobbett, Parke, Lewis, VanOflen, Ayer. "Nay", none.

Motion carried.

Motion by Mr. Lewis to change the zoning from R-5 to R-4 with variances in Ord. 40-1972. No second was made. Motion failed.

Motion by Mr. Cobbett, seconded by Mr. Parke to adopt Ordinance 40-1972 as amended: "Yea", Messrs. Cobbett, Parke, VanOflen, Ayer. "Nay", Mr. Lewis.

Ordinance 41-1972 - Awarding a contract to Robertson Steel and Iron Company for the installation of fencing at the Mason Water Treatment Plant, was presented and read. This is for 1400 feet of fencing for the amount of \$4,459.33.

Mr. Parke requested that the ordinance be an "emergency" so that Acting Manager can have the project started before bad weather sets in.

Motion by Mr. Parke, seconded by Mr. Cobbett to suspend the rule requiring an ordinance to be read on two separate days: "Yea", Messrs. Cobbett, Parke, Lewis, VanOflen, Ayer. "Nay", none.

Motion by Mr. Cobbett, seconded by Mr. Parke to adopt Ordinance 41-1972 as read: "Yea", Messrs. Cobbett, Parke, Lewis, VanOflen, Ayer. "Nay", none. Ordinance adopted.

Ordinance 42-1972 - Authorizing and directing the City Manager to advertise for bids for a contract for collection of waste material in the City of Mason for the period from January 1, 1973 to December 31, 1975, inclusive, was presented and read. Motion by Mr. Cobbett, seconded by Mr. Lewis to suspend the rule requiring an ordinance to be read on three separate days: "Yea", Messrs. Cobbett, Parke, Lewis, VanOflen, Ayer. "Nay", none.

Motion by Mr. Cobbett, seconded by Mr. Ayer to adopt Ordinance 42-1972 as read: "Yea", Messrs. Cobbett, Parke, Lewis, VanOflen, Ayer. "Nay", none.

Ordinance 43-1972 - Amending Ordinance 6-1971, the Zoning ordinance of the City of Mason was presented and read to the first reading. This ordinance is to re-zone 2.178 acres belonging to Lew Eves from Light Industry to B-3 zoning. A public hearing was set for November 20, 1972 at 8:00 p.m.

Resolution R2-1972 - Amending Res. R6-1971, a resolution which amended Res. R2-1971, a resolution declaring the intention to appropriate property for the purpose of a highway to be opened to the public, free of charge, and declaring an emergency. was presented and read.

RECORD OF PROCEEDINGS Pg. 2

Minutes of

City of Mason

Regular Council Meeting

National
Graphics

National Graphics Corp., Cols., O. Form No. 1097-428

Held

January 12, 1976

Ordinance 1-1976 - Annual Appropriation Ordinance for 1976 was presented and read. To several questions posed by council about the appropriations, the Manager explained the purpose of the item. Motion by Mr. Mehr to suspend the rule requiring an ordinance to be read on two separate days. Motion seconded by Mr. Van Ofen with the vote as follows: "Yea": Messrs. Brackney, Van Ofen, Austerman, Mehr, Eves, Knott. "Nay", none. Motion carried. Motion by Mr. Van Ofen that Ordinance 1-1976 be adopted as read. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Messrs. Van Ofen, Austerman, Mehr, Eves, Knott, Brackney. "Nay", none. Ordinance 1-1976 is adopted.

Ordinance 2-1976 - Authorizing and directing the manager to enter into a contract on behalf of the City of Mason with the engineering firm of Construction Design Service, Inc., for professional services required to prepare the pre-application and full application phases for a grant award under the community development grant block and declaring an emergency, was presented and read. Motion by Mr. Van Ofen to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Messrs. Austerman, Mehr, Eves, Knott, Brackney, Van Ofen. "Nay", none. Motion carried. Motion by Mr. Mehr to adopt Ordinance 2-1976 as read. Motion seconded by Mr. Van Ofen with the vote as follows: "Yea": Messrs. Mehr, Eves, Knott, Brackney, Van Ofen, Austerman. "Nay", none. Ordinance 2-1976 is adopted.

Ordinance 3-1976 - Authorizing and directing the manager to advertise for bids for the collection, removal and disposal of certain solid wastes within the City of Mason, and to enter into a contract for same, and declaring an emergency, was presented and read. Mayor Eves explained that the city is re-advertizing for waste collection bids because the first bids received were considerably high. The specs have been rewritten to eliminate leaf and brush pick up and these will be submitted for bids. Motion by Mr. Mehr to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Austerman with the vote as follows: "Yea": Messrs. Eves, Knott, Brackney, Van Ofen, Austerman, Mehr. "Nay", none. Motion carried. Motion by Mr. Van Ofen to adopt Ordinance 3-1976 as read. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Messrs. Knott, Brackney, Van Ofen, Austerman, Mehr, Eves. "Nay", none. Ordinance 3-1976 is adopted.

Ordinance 5-1976 - Repealing Ord. 34-1974, an ordinance creating the position of city public works inspector, establishing compensation and declaring an emergency, was presented and read to the first reading.

Ordinance 6-1976 - Repealing Ord. 9-1975, an ordinance creating the position of assistant to the city manager, establishing duties and fixing compensation and declaring an emergency, was presented and read to the first reading.

Councilman Van Ofen asked the purpose of these ordinances. Manager Chace replied that he is attempting to streamline the organization.

Ordinance 7-1976 - Creating the position of Deputy Building, Zoning, Housing and Utilities Inspector, establishing duties and fixing compensation, was presented and read to the first reading.

Councilman Austerman asked that the Manager present an organization chart before the next meeting.

Judge Batsche told council he was here on behalf of Tom Johnston as the two ordinance might affect him. He said he will wait until the second reading for anything he has to say.

Mr. Everett Johnston commented that the job description in Ord. 7-1976 is loose and wide open subject to anything the manager might direct. Mr. Austerman said that this is not uncommon to have a general job description in the ordinance as it cannot list everything the employee might be expected to do.

Manager Chace preferred to delay any comments about these ordinances until the city has legal representation.

Mayor Eves reported that Mr. Grant Shorten has resigned from the Personnel Review Board and he recommends appointing Mr. Ed Senour to replace Mr. Shorten on this Board. He also recommended appointing Mrs. Janet Hadley to the Park &

RECORD OF PROCEEDINGS Pg. 2

Minutes of

City of Mason

Regular Council Meeting

National Graphics Corp., Colo., O. Form No. 1087-46

Held

April 11, 1977

read to the second reading. Motion by Mrs. Davis to adopt Ordinance 19-1977 as read. Motion seconded by Mr. Boone with the vote as follows: "Yea": Messrs. Boone, Even, Mehr, Mrs. Davis, Messrs. Eves, Eberhard, Brackney. "Nay", none. Ordinance 19-1977 is adopted.

Motion by Mr. Boone that Ordinance 21-1977 be read by title only. Motion seconded by Mr. Brackney with the vote as follows: "Yea": Messrs. Even, Mehr, Mrs. Davis, Messrs. Eves, Eberhard, Brackney, Boone. "Nay", none. Motion carried.

Ordinance 21-1977 - Accepting annexation on application of owners of certain territory containing 1.054 acres in Deerfield Township to the City of Mason and declaring an emergency, was presented and read to the first reading. This ordinance was amended in the title and Section III to state that the ordinance is effective at the earliest period allowed by law.

Ordinance 22-1977 - Authorizing the city manager to purchase equipment and declaring an emergency, was presented and read. Motion by Mr. Even to amend Section 1 of this ordinance to read a Massey-Ferguson Tractor 135-1968. Motion seconded by Mr. Eberhard with the vote as follows: "Yea": Mr. Mehr, Mrs. Davis, Messrs. Eves, Eberhard, Brackney, Boone, Even. "Nay", none. Motion carried. Motion by Mrs. Davis to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Eberhard with the vote as follows: "Yea": Mrs. Davis, Messrs. Eves, Eberhard, Even, Mehr. "Nay": Mr. Boone. Mr. Brackney abstained. Motion by Mrs. Davis that Ordinance 22-1977 be adopted as amended. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Messrs. Eves, Eberhard, Even, Mehr, Mrs. Davis. "Nay": Mr. Boone. Mr. Brackney abstained. Ordinance 22-1977 is adopted.

Ordinance 23-1977 - Authorizing the city manager to advertise for bids and to enter a contract for painting and repairing the water tower on Kings Mills Road and declaring an emergency, was presented and read. Motion by Mr. Even to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Boone with the vote as follows: "Yea": Messrs. Eberhard, Brackney, Boone, Even, Mehr, Mrs. Davis, Mr. Eves. "Nay", none. Motion carried. Motion by Mr. Boone that Ordinance 23-1977 be adopted as read. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Messrs. Brackney, Boone, Even, Mehr, Mrs. Davis, Messrs. Eves, Eberhard. "Nay": none. Ordinance 23-1977 is adopted.

Ordinance 24-1977 - Authorizing the city manager to advertise for bids and to enter a contract for the purchase of a side arm rotary mower, was presented and read. Motion by Mr. Brackney to add 'with a basket' to the title and in Sections 1 & 2 of this ordinance and to add 'declaring an emergency'; and to include the basket in the specs. Motion seconded by Mr. Eberhard with the vote as follows: "Yea": Messrs. Boone, Even, Mehr, Mrs. Davis, Messrs. Eves, Eberhard, Brackney. "Nay", none. Motion carried. Motion by Mr. Boone to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Brackney with the vote as follows: "Yea": Messrs. Even, Mehr, Mrs. Davis, Messrs. Eves, Eberhard, Brackney, Boone. "Nay", none. Motion carried. Motion by Mr. Mehr that Ordinance 24-1977 be adopted as amended. Motion seconded by Mr. Boone with the vote as follows: "Yea": Mr. Mehr, Mrs. Davis, Messrs. Eves, Eberhard, Brackney, Boone, Even. "Nay", none. Ordinance 24-1977 is adopted.

Ordinance 25-1977 - Authorizing the city manager to advertise for bids and to enter into a contract for the purchase of a four-wheel drive articulated rubber tire wheel loader, and declaring an emergency, was presented and read. Motion by Mr. Brackney to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Boone with the vote as follows: "Yea": Mrs. Davis, Messrs. Eves, Eberhard, Brackney, Boone, Even, Mehr. "Nay", none. Motion carried. Motion by Mr. Boone that Ordinance 25-1977 be adopted as read. Motion seconded by Mr. Brackney with the vote as follows: "Yea": Messrs. Eves, Eberhard, Brackney, Boone, Even, Mehr, Mrs. Davis. "Nay", none. Ordinance 25-1977 is adopted.

Ordinance 26-1977 - Authorizing the city manager to advertise for bids and to enter a contract for the removal of solid waste other than putrescible matter from the corporate limits of the City of Mason, Ohio for a definite period of time, and declaring an emergency, was presented and read. Motion by Mr. Boone

RECORD OF PROCEEDINGS Pg. 3

Minutes of

City of Mason

Regular Council Meeting

National
Graphics

National Graphics Corp., Colo., O. Form No. 1087

Held

April 11, 1977

Motion seconded by Mr. Mehr with the vote as follows: "Yea": Messrs. Eberhard, Brackney, Boone, Even, Mehr, Mrs. Davis, Mr. Eves. "Nay", none. Motion carried. Motion by Mr. Brackney that Ordinance 26-1977 be adopted as read. Motion seconded by Mr. Eberhard with the vote as follows: "Yea": Messrs. Brackney, Boone, Even, Mehr, Mrs. Davis, Messrs. Eves, Eberhard. "Nay", none. Ordinance 26-1977 is adopted.

Councilwoman Betty Davis announced that a Town Meeting is being planned for May 21, 1977. This is being initiated by the Kiwanis who hope to get support from other sponsors.

Motion by Mr. Even to set the annual spring clean-up for the weekends of April 23rd, April 30th, and May 7, 1977. Motion seconded by Mr. Brackney with the vote as follows: "Yea": Messrs. Boone, Even, Mehr, Mrs. Davis, Messrs. Eves, Eberhard, Brackney. "Nay", none. Motion carried.

Councilman Brackney reported there was a Safety Meeting on Wednesday and they had a large audience participation. They have set the first Wednesday of each month at 7:30 P.M. for a Safety Meeting.

Mayor Eves recommended that a policy be established on allotment of multi-family living units in the city.

Law Director Schneider reported to Council that two suits have been filed against the city, one on the ZHB Board of Appeals decision, and one concerning the CB tower building permit.

Motion by Mr. Boone that council adjourn to executive session at 9:55 P.M. Motion seconded by Mr. Eberhard and carried.

Executive Session

At the executive session, Council discussed Personnel matters.

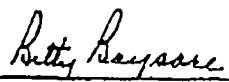
Council then reconvened into regular session at 10:45 P.M.

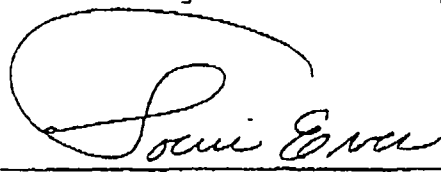
Motion by Mr. Mehr that Council concur with the Manager to appoint Thomas Johnston as the Deputy Building Inspector at a salary of \$10,000 a year. Motion seconded by Mrs. Davis with the vote as follows: "Yea": Messrs. Even, Mehr, Mrs. Davis, Messrs. Eves, Eberhard, Brackney, Boone. "Nay", none. Motion carried.

The Law Director will prepare an ordinance to hire a full time Personnel Director.

Motion by Mr. Eberhard, seconded by Mr. Even to adjourn the meeting at 10:47 P.M. and carried.

Attest:


Betty Baysore, Clerk


Louis Eves, Mayor

RECORD OF PROCEEDINGS Pg. 3

Minutes of

City of Mason

Regular Council Meeting

National
Graphics

National Graphics Corp., Col., O. Form No. 1097

Held

June 12, 1978

Ordinance 60-1978 - Approval and acceptance of the plat of Mason Industrial Park establishing the amount of bond or letter of credit required to guarantee completion of the public improvements and declaring an emergency, was presented and read to the second reading. Motion by Mr. Eves to amend Ordinance 60-1978 to set the bond in an amount as determined by Carl Allendorf. Motion seconded by Mr. Johnston with the vote as follows: "Yea": Messrs. Johnston, Eves, Mrs. Funk, Messrs. Mehr, Brackney, Boone, Eberhard. "Nay", none. Motion carried. Motion by Mr. Eves to adopt Ordinance 60-1978 as amended. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Mr. Eves, Mrs. Funk, Messrs. Mehr, Brackney, Boone, Eberhard, Johnston. "Nay", none. Ordinance 50-1978 is adopted.

Resolution 8-1978 - Appointing an assessment equalization board to hear objections to estimated assessments with respect to the extension of the water distribution system of the City of Mason by the installation of a 12" water line on Bethany Road between Rt. 741 and U.S. 42, was presented and read. Motion by Mr. Eves to amend Resolution 8-1978 to pass as an emergency measure. Motion seconded by Mr. Johnston with the vote as follows: "Yea": Mrs. Funk, Messrs. Mehr, Brackney, Boone, Eberhard, Johnston, Eves. "Nay", none. Motion carried. Motion by Mr. Eves to suspend the rule requiring this resolution to be read on two separate days. Motion seconded by Mr. Eberhard with the vote as follows: "Yea": Messrs. Mehr, Brackney, Boone, Eberhard, Johnston, Eves, Mrs. Funk. "Nay", none. Motion carried. Motion by Mr. Eberhard to adopt Resolution 8-1978 as amended. Motion seconded by Mr. Johnston with the vote as follows: "Yea": Messrs. Brackney, Boone, Eberhard, Johnston, Eves, Mrs. Funk, Mr. Mehr. "Nay": none. Resolution 8-1978 is adopted.

Resolution 9-1978 - Pledging the City of Mason to support the Hamilton Connector in fiscal year 1979, was presented and read. Motion by Mr. Mehr to suspend the rule requiring this resolution to be read on two separate days. Motion seconded by Mr. Johnston with the vote as follows: "Yea": Messrs. Boone, Eberhard, Johnston, Eves, Mrs. Funk, Messrs. Mehr, Brackney. "Nay", none. Motion carried. Motion by Mr. Eberhard to adopt Resolution 9-1978 as read. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Messrs. Eberhard, Johnston, Eves, Mrs. Funk, Messrs. Mehr, Brackney, Boone. "Nay", none. Resolution 9-1978 is adopted.

Ordinance 61-1978 - Abolishing the position of Director of Inspection and Engineering and giving notice of termination of the existing agreement regarding the filling of said position and declaring an emergency, was presented and read. Motion by Mr. Eberhard to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Eves with the vote as follows: "Yea": Messrs. Johnston, Eves, Mehr, Brackney, Boone, Eberhard. "Nay": Mrs. Funk. Motion carried. Motion by Mr. Eberhard to adopt Ordinance 61-1978 as read. Motion seconded by Mr. Eves with the vote as follows: "Yea": Messrs. Eves, Mehr, Brackney, Boone, Eberhard, Johnston. "Nay": Mrs. Funk. Ordinance 61-1978 is adopted.

Ordinance 62-1978 - Creating the position of City Engineer and authorizing the manager to enter into an agreement with Donald E. Savage and declaring an emergency, was presented and read. Motion by Mr. Eberhard to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Messrs. Mehr, Brackney, Boone, Eberhard, Johnston, Eves. "Nay": Mrs. Funk. Motion carried. Motion by Mr. Eves to adopt Ordinance 62-1978 as read. Motion seconded by Mr. Eberhard with the vote as follows: "Yea": Messrs. Mehr, Brackney, Boone, Eberhard, Johnston, Eves. "Nay": Mrs. Funk. Ordinance 62-1978 is adopted.

Ordinance 63-1978 - Authorizing and directing the manager to enter into a contract with Rumpke, Inc. for the annual spring cleanup and declaring an emergency, was presented and read. Motion by Mr. Eves to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Eberhard with the vote as follows: "Yea": Messrs. Brackney, Boone, Eberhard, Johnston, Eves, Mrs. Funk, Mr. Mehr. "Nay", none. Motion carried. Motion by Mr. Eberhard to adopt Ordinance 63-1978 as read. Motion seconded by Mr. Johnston with the vote as follows: "Yea": Messrs. Boone, Eberhard, Johnston, Eves, Mrs. Funk, Messrs. Mehr, Brackney. "Nay", none. Ordinance 63-1978 is adopted.

Ordinance 64-1978 - Approving the dedication of road right-of-way at Bethany Road

RECORD OF PROCEEDINGS Pg. 1

Minutes of

City of Mason

Regular Council

Meeting

Held

November 10, 1980

Council met in regular session on the above date with Mayor Eves presiding. The meeting was opened with the pledge to the flag followed by roll call: "Present": Rea Boone, Michael Pugh, George Finch, Hans Mehr, Robert Austerman, Louis Eves. Mr. Eberhard was absent.

Minutes of the previous meeting was presented. Mr. Mehr made an amendment on Pg. 1 (bottom of page), to add that: 'Mr. Mehr asked Mr. Hasselbring if he is prepared to discuss his engineering proposal and that Mr. Hasselbring replied, "Yes"'. Motion by Mr. Austerman to approve the minutes of the Oct. 27, 1980 meeting as amended. Motion seconded by Mr. Finch and carried, 6-0.

The Mayor welcomed those in attendance and asked if anyone wished to address council. Mr. Pat Campbell said that as representative of other tax payers, he is concerned about the city's delay in hiring a city engineer and possibility of a conflict of interest. The Mayor advised that the city had interviewed and selected an engineer but he has now taken a position in Fairfield, so we will need to select someone else. However, the city has been advised by the Law Director that there is no conflict of interest in our present contract.

Councilman Finch recommended that we withdraw Ord. 72-1980 since there is no immediate solution for funding and we should allow the proposals to be re-submitted. Mr. Pugh said that he has talked with Judge Batsche, and he suggested that the city install a window counter for the clerk of court and build rest rooms upstairs. This could probably be done for \$15,000. Mr. Finch said that engineering should be done first so that any improvements would fit in with the overall plan for renovation.

Ordinance 72-1980 - Authorizing the manager to contract for design of the improvements to city hall, second floor, and declaring an emergency, was presented and read. Motion by Mr. Austerman to adopt Ord. 72-1980 as read. Motion seconded by Mr. Mehr with the vote as follows: "Yea", none. "Nay": Messrs. Boone, Pugh, Finch, Mehr, Austerman, Eves. Ord. 72-1980 is defeated.

Ordinance 87-1980 - Amending Ord. 83-1978 to provide for modification of the engineering costs for the High Hazard Intersection project, was presented and read. Motion by Mr. Mehr to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Austerman and carried, 6-0. Motion by Mr. Boone that Ord. 87-1980 be adopted as read. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Messrs. Pugh, Mehr, Austerman, Eves, Boone. "Nay": Mr. Finch. Ordinance 87-1980 is adopted.

Ordinance 88-1980 - An Ordinance authorizing the issuance of \$1,350,000 principal amount Economic Development Revenue Bond of the municipality of Mason, Ohio, in order to assist Taft Broadcasting Company in the financing of costs of new commercial facilities; authorizing the issuance of additional bonds; providing for the pledge of revenues for the payment of said bond; authorizing a loan agreement with respect to the proceeds derived from the sale of said bond; authorizing a bond purchase agreement; and authorizing the assignment by the municipality of Mason, Ohio of a loan agreement, a promissory note and an open-end mortgage and security agreement from Taft Broadcasting Company, and declaring an emergency, was presented. Motion by Mr. Mehr that Ord. 88-1980 be read by title only. Motion seconded by Mr. Pugh and carried, 6-0. The Law Director read the ordinance by title only and explained the nature of this bond, that it is a revenue bond, to be paid from revenue from the facility, and it won't effect the city's bonding capacity. Motion by Mr. Boone to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Messrs. Finch, Mehr, Austerman, Eves, Boone, Pugh. "Nay", none. Motion carried. Motion by Mr. Austerman that Ordinance 88-1980 be adopted as read. Motion seconded by Mr. Boone with the vote as follows: "Yea": Messrs. Mehr, Austerman, Eves, Boone, Pugh, Finch. "Nay", none. Ordinance 88-1980 is adopted.

Ordinance 92-1980 - Authorizing the manager to contract with Rumpke Waste, Inc. for the collection, removal and disposal of certain solid wastes within the City of Mason, was presented and read. Motion by Mr. Mehr to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Pugh and carried, 5-1. Motion by Mr. Mehr that Ord. 92-1980 be adopted as read. Motion seconded by Mr. Pugh with the vote as follows: "Yea": Messrs. Austerman, Eves, Boone, Pugh, Finch, Mehr. "Nay", none. Ordinance 92-1980 is adopted.

RECORD OF PROCEEDINGS Pg. 3

Minutes of

City of Mason

Regular Council Meeting

National
Graphics

National Graphics Corp., Cois., O. Form No. 1037

Held

November 13, 1978

Mrs. Funk, Messrs. Mehr, Brackney, Boone, Johnston. "Nay", none. Mr. Eberhard abstained. Ordinance 140-1978 is adopted.

Ordinance 141-1978 - Establishing snow emergency routes and providing for enforcement thereof, was presented. Motion by Mr. Mehr that Ord. 141-1978 be read by title only, seconded by Mr. Johnston with the vote as follows: "Yea": Mrs. Funk, Messrs. Mehr, Brackney, Boone, Eberhard, Johnston, Eves. "Nay", none. Motion carried. Ordinance 141-1978 was then read by title only to the first reading. Motion by Mr. Mehr to amend Ord. 141-1978 to make all dedicated streets as submitted as snow emergency routes. Motion seconded by Mr. Brackney. Motion by Mr. Eves to table Ordinance 141-1978 for a legal clarification. Motion seconded by Mr. Johnston with the vote as follows: "Yea": Messrs. Mehr, Brackney, Boone, Eberhard, Johnston, Eves, Mrs. Funk. "Nay", none. Motion carried.

Ordinance 142-1978 - Establishing the position of probation officer in the Mason Municipal Court, setting the salary and declaring an emergency, was presented and read to the first reading. Mr. Smith advised that this position will be shared by 3 municipalities, and he would recommend that each share in the cost of employee benefits also.

Ordinance 143-1978 - Declaring certain personal property and equipment as surplus property and authorizing the manager to advertise for bids and contract for sale of said personal property and equipment and declaring an emergency, was presented and read. Motion by Mr. Johnston to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Eberhard with the vote as follows: "Yea": Messrs. Brackney, Boone, Eberhard, Johnston, Eves, Mrs. Funk, Mr. Mehr. "Nay", none. Motion carried. Motion by Mrs. Funk that Ord. 143-1978 be adopted as read. Motion seconded by Mr. Johnston with the vote as follows: "Yea": Boone, Eberhard, Johnston, Eves, Mrs. Funk, Messrs. Mehr, Brackney. "Nay", none. Ordinance 143-1978 is adopted.

Ordinance 144-1978 - Authorizing the purchase of certain property at the intersection of Western Row and Snider Road (Howard Woods Property) and declaring an emergency, was presented and read. Motion by Mr. Mehr to suspend the rule requiring this ordinance to be read on two separate days, seconded by Mr. Johnston with the following vote: "Yea": Mr. Johnston, Mrs. Funk, Messrs. Mehr, Brackney, Boone. "Nay": Messrs. Eberhard, Eves. Motion carried. Motion by Mr. Brackney that Ordinance 144-1978 be adopted as read. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Mr. Johnston, Mrs. Funk, Messrs. Mehr, Brackney, Boone. "Nay": Messrs. Eves, Eberhard. Ordinance 144-1978 is adopted.

Ordinance 145-1978 - Authorizing and directing the manager to advertise and enter a contract for the collection, removal and disposal of certain solid waste within the City of Mason and declaring an emergency, was presented and read. Mr. Smith advised that the specs will call for an alternate for total collection and an option for renewal. Motion by Mr. Brackney to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Mr. Eves, Mrs. Funk, Messrs. Mehr, Brackney, Boone, Eberhard, Johnston. "Nay", none. Motion carried. Motion by Mr. Brackney that Ord. 145-1978 be adopted as read. Motion seconded by Mr. Johnston with the vote as follows: "Yea": Mrs. Funk, Messrs. Mehr, Brackney, Boone, Eberhard, Johnston, Eves. "Nay", none. Ordinance 145-1978 is adopted.

A recess was called at 11:00 p.m. until 11:05 p.m. when the meeting resumed.

Ordinance 146-1978 - Authorizing and directing the manager to advertise for bids and contract for the installation of street lighting in certain areas and declaring an emergency, was presented and read to the first reading.

Ordinance 147-1978 - Authorizing and directing the manager to enter an agreement with Taft Broadcasting Co. regarding construction of a 15 inch sewer line and modification of the sewer expansion charge and declaring an emergency, was presented and read. Messrs. Chas. Beatty & Bill McCurley expressed concern about the additional sewerage this will cause at this lift station. Engineer Savage said that the city has purchased a 300 gal. a minute pump to be installed at the Cloverwood Lift station. After this is installed and modifications made to the controls, there should be ample capacity to handle this additional flow until the regional sewer is built.

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RECORD OF PROCEEDINGS Pg. 1

Minutes of City of Mason Regular Council Meeting

Held

November 28, 1983

Council met in regular session on the above date with Mayor Eves presiding. The meeting was opened with the pledge to the flag followed by Roll call: "Present": Donald Eberhard, Betty Davis, Michael Pugh, George Finch, Hans Mehr, Robert Austerman, Louis Eves. Absent, none.

Motion by Mr. Eberhard to approve the minutes of the November 14, 1983 council meeting as presented. Motion seconded by Mr. Austerman and carried, 7-0.

Mayor Eves made a presentation of Plaques in Recognition of four years of outstanding service to outgoing councilmembers, George Finch and Michael Pugh.

The Mayor announced that there be an Organizational meeting of council on Dec. 1, 1983 at 8:00 p.m. in accordance with city charter.

Ordinance 110-1983 - Authorizing the manager to enter a contract with Rumpke Waste, Inc. for the collection, removal and disposal of certain solid wastes within the City of Mason and declaring an emergency, was presented and read. Motion by Mr. Mehr to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Eberhard and carried, 7-0. Motion by Mr. Eberhard to adopt Ordinance 110-1983 as read. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Mr. Eberhard, Ms. Davis, Messrs. Pugh, Finch, Mehr, Austerman, Eves. "Nay", none. Ord. 110-1983 is adopted.

Ordinance 111-1983 - Amending the Codified Ordinance of the City of Mason Sect. 181.15 (a) regarding credit for tax paid to another municipality and limitation on amount paid, was presented and read to the first reading. The ordinance was referred to the Finance Committee.

Ordinance 112-1983 - Authorizing the manager to execute an easement agreement to Seven Hills Communications Limited and declaring an emergency, was presented. Motion by Ms. Davis that Ord. 112-1983 be read by title only, seconded by Mr. Pugh and carried, 7-0. Manager Moeller explained that Seven Hills Communications are the new owners of WLW. The easement is for 2 guyline anchors that extend out under Tylersville Road. These were installed several years ago when the area was outside city limits and was probably approved by the county at that time. They are deep enough and the lines are out of the way that he feels there will be no adverse effect on the traffic. Motion by Mehr to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Eberhard and carried, 7-0. Motion by Mr. Eberhard to adopt Ord. 112-1983 as read. Motion seconded by Mr. Mehr with the vote as follows: "Yea": Ms. Davis, Messrs. Pugh, Finch, Mehr, Austerman, Eves, Eberhard. "Nay", none. Ordinance 112-1983 is adopted.

Ordinance 113-1983 - Supplemental appropriation ordinance appropriating certain funds and transferring other funds for the current expenses of the City of Mason during the fiscal year ending December 31, 1983, was presented and read. Motion by Mr. Mehr to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Pugh and carried, 7-0. Motion by Mr. Mehr to adopt Ordinance 113-1983 as read. Motion seconded by Mr. Eberhard with the vote as follows: "Yea": Messrs. Pugh, Finch, Mehr, Austerman, Eves, Eberhard, Ms. Davis. "Nay", none. Ordinance 113-1983 is adopted.

Councilman Austerman reported that the Sign Committee will meet on Monday, Dec. 5th at 7:00 p.m. There are still four provisions they have not agreed upon. Mr. Austerman asked that Mr. Finch remain on the Sign Committee for their final meeting.

The Manager's report was reviewed. He has met with the Board of Health, Dr. Geo. Reed, & the Township Trustees to discuss the sewer & order problem in the Dille Subdivision area. One way to approach the problem is to annex the area to Mason and construct sewers. He estimates this would cost between \$1500 to \$2000 per property and said that some of the residents will oppose the annexation. If they annex we would also have the problem of deteriorating streets and storm sewers. A meeting will be held on Dec. 6th to outline the problem and discuss alternative solutions with the property owners. He invited council to attend this meeting.

Mr. Moeller has checked into the fence erected on a property off the 741 By-Pass. He said it was constructed without a permit and is in violation of the residen-

Held

November 10, 1986

seconded by Ms. Davis and carried, 7-0. Motion by Mr. Beatty to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Ms. Davis and carried, 7-0. Motion by Mr. Beatty to adopt Ordinance 86-104 as read. Motion seconded by Ms. Steinhauer with the vote as follows: "Yea": Ms. Davis, Messrs. Carter, Eves, Eberhard, Ms. Davis, Messrs. Staten, Beatty. "Nay", none. Ordinance 86-104 is adopted.

Ordinance 86-105 - Authorizing the manager to modify the contract of Slurry Seal of Southwestern Ohio for the 1986 Street Program and declaring an emergency, was presented. Motion by Ms. Davis to read Ord. 86-105 by title only, seconded by Mr. Staten and carried, 7-0. Motion by Mr. Beatty to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Staten and carried, 7-0. Motion by Mr. Beatty to adopt Ord. 86-105 as read. Motion seconded by Ms. Davis with the vote as follows: "Yea": Messrs. Staten, Beatty, Ms. Steinhauer, Messrs. Carter, Eves, Eberhard, Ms. Davis. "Nay", none. Ordinance 86-105 is adopted.

Ordinance 86-106 - Authorizing the manager to contract with Rumpke Waste, Inc. for collection, removal and disposal of certain solid wastes within the City of Mason, and declaring an emergency, was presented. Motion by Mr. Beatty to read Ord. 86-106 by title only, seconded by Ms. Davis and carried, 7-0. Manager Moeller reported that the 3 year contract is for escalating rates of \$3.00 per unit per month for 1987, \$3.15 for 1988, and \$3.30 for 1989. He doesn't foresee having to raise rates for the next year and half. Motion by Mr. Beatty to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Ms. Davis and carried, 7-0. Motion by Mr. Beatty to adopt Ord. 86-106 as read. Motion seconded by Ms. Davis with the vote as follows: "Yea": Mr. Beatty, Ms. Steinhauer, Messrs. Carter, Eves, Eberhard, Ms. Davis, Mr. Staten. "Nay", none. Ordinance 86-106 is adopted.

The Manager's report was reviewed. He reported that Planning Commission supports use of the Dick Smith property on Cox Street and is recommending that council find a legal method to allow the business to continue. Law Director Schneider said this is basically an industrial use in residential zone that has grown from a hobby. The city can grant a use variance that goes with the land or change regulations on home occupation. The occupation can't be grandfathered because our code was adopted in 1971 and his business didn't start until 1976. Planning also approved a lot split of 6.9 acres for United Liberty Life Insurance at Mason Industrial Park. Western Home Center is negotiating to purchase this property.

Councilman Eberhard reported that Safety Committee is considering police vehicles for 1987. He also reported there are presently no designated truck routes in Mason. Mr. Madden added that all State routes are truck routes. Mr. Beatty said we have an ordinance stating that all trucks shall follow designated truck routes and if we aren't going to post truck routes, we should delete the ordinance.

Ms. Meg Brady, Park & Rec. Director, reported that over 100 people turned out on Saturday & Sunday for the Open House at Corwin Nixon-Pine Hill Lakes Park and there were many favorable comments.

Councilman Staten asked when the sewer extension on Kings Mills Road will be installed. The Manager said it will probably be after the first of the year.

Councilman Beatty asked the manager to check to see if the high school athletic field is in the city limits, and if the police have updated maps of recent city limits. He asked if Jim Fox can give a report at council meeting on operation of the sewer plant.

Ms. Steinhauer asked that the city check to make certain the water meters are being read when they have been marked so.

Mayor Eves said he would like the manager & engineer to look at the existing street right-of-way widths and recommend possible changes. He also asked about Christmas lights. Mr. Moeller has a proposal for 500 strands of lights for \$500 to \$600. He will have them installed by Thanksgiving.

Mr. Eves also recommended the city look into a traffic light for 2nd, 3rd, 4th or 5th Aves.; and a signal at the U.S. 42 & S.R. 741 intersection. Mr. Moeller said he met with Mr. Wallace at District 8, who suggested we change the configuration of lanes and radius at the S.R. 741 intersection. Many motorists are confused on the turning lanes and the way they are marked. Mr. Eberhard suggested the city have them better marked.

RECORD OF PROCEEDINGS Pg. 3

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Minutes of

City of Mason

Regular Council Meeting

Held

December 11, 1989

was presented. Motion by Ms. Davis to read Ord. 89-162 by title only, seconded by Mr. Staten and carried, 6-0. Mr. Lahmer reported that 13 bids were received and Brackney was low bid. Two hydrants were omitted from the specs but with those added, they are still low at \$70,460.25. Motion by Ms. Davis to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Staten and carried, 6-0. Motion by Ms. Davis to adopt Ord. 89-162 as read. Motion seconded by Mr. Cochran with the vote as follows: "Yea": Ms. Davis, Messrs. Staten, Cochran, McCurley, Carter, Eves. "Nay", none. Ordinance 89-162 is adopted.

Ordinance 89-163 - Authorizing the manager to contract with Rumpke Waste, Inc. for the collection, removal and disposal of certain solid wastes within the City of Mason and declaring an emergency, was presented. Motion by Ms. Davis to read Ord. 89-163 by title only, seconded by Mr. Staten and carried, 6-0. Mr. Lahmer advised that the city received only 2 bids and Rumpke was significantly lower than BFI, even though it is higher than the bid received 3 years ago. The contract cost would escalate the 2nd & 3rd year. He recommends the waste collection fees be increased by \$.75 in 1990 and \$.25 for 1991 & 1992 to meet the charges of the contract. There hasn't been an increase since Jan. 1983 and the fund balance has decreased to an amount less than the monthly expenses. Motion by Ms. Davis to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. McCurley and carried, 6-0. Motion by Ms. Davis to adopt Ord. 89-163 as read. Motion seconded by Mr. Cochran with the vote as follows: "Yea": Messrs. Staten, Cochran, McCurley, Carter, Eves, Ms. Davis. "Nay", none. Ordinance 89-163 is adopted.

Ordinance 89-164 - Advising the County Commissioners as to the benefits of annexing property filed by Hunter Savings Assn, Senour & Suzanne Hunt to the City of Mason, Ohio and declaring an emergency, was presented. Motion by Ms. Davis to read Ord. 89-164 by title only, seconded by Mr. Staten and carried, 6-0. The property is adjacent to the Jewish Retirement Center on Mason-Montg. Road. Motion by Ms. Davis to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Staten and carried, 6-0. Motion by Ms. Davis to adopt Ord. 89-164 as read. Motion seconded by Mr. Staten with the vote as follows: "Yea": Messrs. Cochran, McCurley, Carter, Eves, Ms. Davis, Mr. Staten. "Nay", none. Ordinance 89-164 is adopted.

Ordinance 89-165 - Advising the County Commissioners as to the benefits of annexing property filed by Carl E. & Helen L. Clutter and Evelyn B. Jordan to the City of Mason, Ohio and declaring an emergency, was presented. This property is on S. U.S. 42 and the properties on both sides are in the city. Motion by Ms. Davis to read Ord. 89-165 by title only, seconded by Mr. Staten and carried, 6-0. Motion by Ms. Davis to suspend the rule requiring this ordinance to be read on two days. Motion seconded by Mr. McCurley and carried, 6-0. Motion by Ms. Davis to adopt Ord. 89-165 as read. Motion seconded by Mr. McCurley with the vote as follows: "Yea": Messrs. McCurley, Carter, Eves, Ms. Davis, Messrs. Staten, Cochran. "Nay", none. Ordinance 89-165 is adopted.

Ordinance 89-151 - Amending the Zoning Code & Map of the City of Mason, to re-zone approx. 24.57623 acres from R-1 to R-3 & 56.86694 acres from R-1 to R-4, located on Mason Montgomery Road between Stitt Road and Western Row Road (John Durrell, et al.), was presented to the second reading. Motion by Ms. Davis to read Ord. 89-151 by title only, seconded by Mr. Staten and carried, 6-0. A Public Hearing was opened by the Mayor on Ord. 89-151. Law Director Schneider reported that Planning Commission has recommended the property be zoned R-3 only. Atty John Zopff representing the owners, presented two maps of this development, one with R-4 and one with all R-3 lots. They would lose 5 lots with R-3. A poll of council indicated they favored R-3 zone. Mr. Cochran was concerned that any development in this area be aware that the Thoroughfare Plan shows a 4 lane road extending from Tylersville Road Extension to Stitt Road; and Western Row Road needs to be widened. Motion by Ms. Davis to amend Ordinance 89-151 to change all acreage to R-3 zone. Motion seconded by Mr. Staten with the vote as follows: "Yea": Messrs. Carter, Eves, Ms. Davis, Messrs. Staten, Cochran, McCurley. "Nay", none. Motion carried. Motion by Ms. Davis to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. McCurley and carried, 6-0. Motion by Mr. Staten to adopt Ordinance 89-151 as amended. Motion seconded by Mr. McCurley with the vote as follows: "Yea": Mr. Eves, Ms. Davis, Messrs. Staten, Cochran, McCurley, Carter. "Nay", none. Ordinance 89-151 is adopted.

Resolution 89-22 - Accepting the amounts and rates as determined by the Budget

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RECORD OF PROCEEDINGS Pg. 1

Minutes of

City of Mason

Regular Council Meeting

Held

November 26, 1990

Council met in regular session on the above date with Mayor Eves presiding. The meeting was opened with the pledge to the flag followed by roll call: "Present": Donald Eberhard, Betty Davis, Jas. Dick Staten, Rex Cochran, John McCurley, Chris Carter, Louis Eves. Absent, none.

Motion by Mr. McCurley to approve the minutes of the November 12, 1990 council meeting as presented. Motion seconded by Ms. Davis and carried, 6-0, Mr. Carter abstained.

Ordinance 90-142 - Authorizing the manager to enter a contract with Trash Can Enterprises, Inc. for pick-up and disposal of commingled recyclable materials for the City of Mason, Ohio, was presented. Motion by Ms. Davis to read Ord. 90-142 by title only, seconded by Mr. Staten and carried, 7-0. Mr. Carl Boltz, Chairman of the Environmental Advisory Commission, reported that they looked into alternatives to meet the waste reduction act, and have recommended curbside recycling on a voluntary basis as the first step. Recyclable items would be placed in a bag and set out by residents on their regular trash day. These would be sold on the open market and 6% of the proceeds paid back to the city to off-set our costs. If at least 1200 of the 4200 homes take part in this program, the payback will equal the \$100. per week cost. We will need to educate the citizens on the importance of recycling. TCE would like 30 days notice before beginning pick-up. Mr. Lahrmer said we should notify the residents that they will be contacted by TCE and we will require them to wear ID tags to go door to door. The city will monitor the revenue TCE receives from recycled items to assure we are getting the 6% payback. Ms. Davis reported that the committee checked out their references including contacting the cities of Trotwood and West Carrollton. Law Director Schneider advised that it would be necessary to bid out a \$5200 contract. Council decided to enter an agreement for only 11 months. The contract will commence on January 7, 1991. Motion by Mr. Eberhard to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Ms. Davis and carried, 7-0. Motion by Mr. Carter to adopt Ord. 90-142 as read. Motion seconded by Ms. Davis with the vote as follows: "Yea": Mr. Eberhard, Ms. Davis, Messrs. Staten, Cochran, McCurley, Carter, Eves. "Nay", none. Ordinance 90-142 is adopted.

Ordinance 90-143 - Authorizing the manager to approve a change order in the amount of \$2,695.08 for the contract of Don Thompson Excavating for the replacement of a 66-inch culvert at the intersection of Bethany Road and Mason-Montgomery Road and declaring an emergency, was presented. Motion by Ms. Davis to read Ord. 90-143 by title only, seconded by Mr. Staten and carried, 7-0. Mr. Lahrmer advised that this addition includes a guardrail, seeding & grading. Motion by Ms. Davis to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. Carter and carried, 7-0. Motion by Ms. Davis to adopt Ord. 90-143 as read. Motion seconded by Mr. Staten with the vote as follows: "Yea": Ms. Davis, Messrs. Staten, Cochran, McCurley, Carter, Eves, Eberhard. "Nay", none. Ordinance 90-143 is adopted.

Ordinance 90-144 - Providing for the issuance & sale of \$1,075,000 of special assessment bonds of the City of Mason for the purpose of constructing water & sewer improvements; and declaring an emergency, was presented. Motion by Ms. Davis to read Ord. 90-144 by title only, seconded by Mr. McCurley and carried, 7-0. Motion by Ms. Davis to suspend the rule requiring this ordinance to be read on two separate days. Motion seconded by Mr. McCurley and carried, 6-0, Mr. Carter abstained. Motion by Ms. Davis to adopt Ord. 90-144 as read. Motion seconded by Mr. Eberhard with the vote as follows: "Yea": Messrs. Staten, Cochran, McCurley, Eves, Eberhard, Ms. Davis. "Nay", none. Mr. Carter abstained. Ordinance 90-144 is adopted.

Motion by Ms. Davis to delete Ord. 90-145 from the agenda, seconded by Mr. Eberhard and carried, 7-0.

Motion by Mr. McCurley that Vice Mayor Betty Davis be Mason's representative on the Clean Warren County Board, the Mayor to serve as alternate. Motion seconded by Mr. Staten and carried, 7-0.

Motion by Ms. Davis authorizing the City of Mason to join the National League of Cities for one year. Motion seconded by Mr. McCurley and carried, 6-1, Mr. Eberhard dissenting.

Mayor Eves announced that Council will meet at 8:30 a.m. on Sat., Dec. 1st for